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CONSTITUTIONAL CONVENTION

OF THE

STATE OF MARYLAND

Chamber of the House of Delegates

State Capitol

Annapolis, Maryland

November 7, 1967 - 12:00 Noon

HONORABLE H. VERNON ENEY,
PRESIDENT

Reported by:
C. J. Hunt

1 THE PRESIDENT: The Sergeant at Arms will clear
2 the aisles and close the doors. The Convention will please
3 come to order.

4 The invocation today will be offered by the
5 Reverend Charles Daugherty of the Chapel of the Ascension,
6 Lexington Park. Reverend Daugherty.

7 (Whereupon, the invocation was offered by the
8 Reverend Daugherty.)

9 THE PRESIDENT: Thank you.

10 Roll call.

11 (Whereupon, the roll call was taken.)

12 Have all delegates answered roll call? The
13 Clerk will record the roll call.

14 A few minutes' delay in opening the session of
15 the Convention has been due to the fact that both print
16 machines broke down just as the debate schedule was being
17 printed. It is being Xeroxed. It will be here in a few
18 moments. Rather than call on the Chairman of the Committee
19 on Calendar to report, I will skip that for the moment and
20 proceed to a few announcements so that you will have an
21 opportunity to see the late schedule before the Chairman

1 of the Calendar and Agenda Committee presents it.

2 Yesterday, in the Committee of the Whole, the
3 question was asked whether or not the prior Constitutions
4 of Maryland made any reference to God in the provision for
5 the oath, and I indicated that a very quick glance at the
6 copies of the four previous Constitutions indicated that
7 in the oath section, there was no reference to God.

8 This was partially incorrect in that the 1776
9 Constitution in prescribing the oath does indeed not make
10 any provision to God or any Supreme Being, but in the same
11 section, following the provision for the oath, is a pro-
12 vision that the person taking the oath shall also subscribe
13 a declaration of his belief in the Christian religion;
14 similarly, the subsequent Constitutions did not make in the
15 oath section itself any reference to a Supreme Being, but
16 each of them in a provision in the Declaration of Rights
17 did require in varying terms that elected officials indi-
18 cate their belief in a Supreme Being.

19 I make this statement merely so that the record
20 will be correct.

21 Delegate Beatrice Miller?

1 DELEGATE B. MILLER: Mr. President, I rise
2 on a point of parliamentary inquiry. I would like to know
3 whether it is possible to call for reconsideration of the
4 amendment that we passed yesterday in the Committee of the
5 Whole?

6 THE PRESIDENT: It would not be at this time.
7 There will be an opportunity, of course, not for recon-
8 sideration, but for the equivalent, new consideration of
9 that, when the Committee recommendation is presented to
10 the Convention on second reading. It will then be open
11 for amendment. Delegate Miller?

12 DELEGATE B. MILLER: There is no reconsideration
13 of any action taken by the Committee of the Whole; is
14 that correct?

15 THE PRESIDENT: No --

16 DELEGATE B. MILLER: On second reading?

17 THE PRESIDENT: I won't say that. On the con-
18 trary, on the second reading, the Convention can consider
19 anew an amendment which may be offered thereto, regardless
20 of the action/the Committee of the Whole. The whole mat-
21 ter is before the Convention on second reading after the

1 report of the Committee on Style. Delegate Miller?

2 DELEGATE B. MILLER: My question is still
3 whether it can be considered before.

4 THE PRESIDENT: The question that was presented
5 to the Committee of the Whole may be considered by the
6 Convention on second reading, and the Convention may take a
7 contrary position. Does that answer your question?

8 DELEGATE B. MILLER: I think so. Thank you.

9 THE PRESIDENT: There was distributed last
10 evening to the desk of every delegate in Committee Chamber
11 a copy of Minority Reports LB-1(A), (B), (C), (D), (E) and
12 (F), and also Report S and E, Minority Report S and E-1(C);
13 in addition, a copy of the memorandum by Dr. Michener re-
14 ferred to yesterday dealing with unicameralism and bi-
15 cameralism was similarly distributed to your desk in Com-
16 mittee and your desk here. Each of these minority reports,
17 and the Michener memorandum will be pertinent to discus-
18 sion of the Committee of the Whole this afternoon, and you
19 should have them with you.

20 There was also distributed to your desk yester-
21 day evening a copy of Committee Recommendation JB-1 and

1 Committee Memorandum JB-1.

2 The Chair recognizes Delegate Fornos.

3 DELEGATE FORNOS: Mr. President, behind your
4 rostrum in the gallery are one hundred twenty-five students
5 from Annapolis High School that I would like to welcome on
6 behalf of the Convention to today's meeting.

7 THE PRESIDENT: Delighted to have them. (Ap-
8 plause.)

9 I would like also to announce that today in the
10 gallery are forty students from Mater Dei Boys' School,
11 Bethesda in Montgomery County. Delighted to have you
12 also. (Applause.)

13 There have been placed on your desk in the Cham-
14 ber this morning memoranda by Delegate Finch pertaining
15 to Delegate Proposals Nos. 208, 240, 282, 325, 329, 427, 428,
16 429, 431, 436. I am sorry. I thought these had been dis-
17 tributed. They will be distributed and on your desk today.

18 They have been filed with the Clerk.

19 You should have within the past five minutes
20 or so a copy of Debate Schedule No. 1.

21 The Chair recognizes Delegate Powers, Chairman

1 of the Committee on Calendar and Agenda.

2 DELEGATE POWERS: Mr. President, before I
3 move the adoption of today's Calendar, I would like to
4 announce to the Convention that as far as today's procedure
5 is concerned, we plan to move to recess for a period
6 of one hour at about 1:30 today. Then we plan to move to
7 adjourn at around 6 p.m. this evening, depending upon the
8 status of the business of the day. We do not intend to
9 propose a recess for dinner, but when we adjourn before
10 dinner, we plan to adjourn until 10 o'clock tomorrow
11 morning.

12 So that the delegates may know, the remainder
13 of the this week it now appears that Committee Recommenda-
14 tion No. S and E 1 on the referendum will be next after
15 we conclude the business before the Committee of the Whole,
16 which is set for today. The next matter after that will
17 be Committee Recommendation GP-3, on natural resources;
18 and the next after that will be Committee Recommendation
19 LG-1 on Local Government.

20 We do not now anticipate that we will reach
21 consideration in the Committee of the Whole on Committee

1 Recommendation JB-1, on the Judicial Branch, until next
2 week.

3 I move that today's Calendar be adopted.

4 THE PRESIDENT: Is the Debate Schedule No. 1
5 a part of the Calendar?

6 DELEGATE POWERS: Mr. President, at the time we
7 moved to resolve the Convention of the Committee of the
8 Whole, it will be on the condition that we subject our-
9 selves to the provisions of the debate schedule so that
10 motion will be made at that time.

11 THE PRESIDENT: The only question now, then,
12 is on the motion to adopt the Calendar, which does not at
13 this moment include the debate schedule. Is there a sec-
14 ond?

15 (Whereupon, the motion was seconded.)

16 All in favor, signify by saying Aye; contrary,
17 No. The Ayes have it. It is so ordered.

18 Reports of other standing committes?

19 (There was no response.)

20 THE PRESIDENT: Committee Recommendation LG-1.
21 The Clerk will read the recommendation.

1 MR. QUILLEN: Committee Recommendation No. LG-1
2 by the Committee on Local Government, M. Peter Moser,
3 Chairman, A Recommendation that the Constitution include
4 an Article on Local Government containing sections on
5 definitions, establishment of counties, structure of
6 county government, change in structure of county government,
7 powers of county government, general application of laws,
8 existing municipal corporations, new municipal corporations,
9 civil units, additional powers of municipal corporations,
10 credit limitations of local government, establishment of
11 multi-county governmental units, financing of intergovern-
12 mental authorities and that the Article on General Pro-
13 visions contain a section on intergovernmental cooperation
14 and agreements.

15 THE PRESIDENT: Committee Recommendation No.
16 LG-1 is referred to the Committee of the Whole.

17 You will also have during the course of the after-
18 noon Committee Memorandum No. LG-1, in support of this
19 recommendation.

20 I might suggest to you at that point that so
21 far as the President knows or the Chairman of the Committee

1 on Calendar, there is no minority report on the Local Govern-
2 ment Article. If there is any intention to file a minority
3 report, I urge those preparing such report to do so prompt-
4 ly so that it may be circulated. As indicated by Delegate
5 Powers, the Article will be before the Committee of the
6 Whole for discussion on Friday, and perhaps even Thursday
7 afternoon, if other business permits.

8 There is in connection with Minority Report
9 LB-1(A) an addendum, copy of which has been presented to
10 me. I don't know whether it has been printed yet. It
11 will be circulated to you sometime during the course of the
12 day.

13 Minority Report No. S and E-1(A) has been filed
14 and is received. No further action is necessary.

15 Are there any other reports of standing com-
16 mittees?

17 There also has been filed Minority Report
18 S and E-1(B). It will be received and filed, and
19 Minority Report S and E-1(C) will be received and filed.
20 I believe 1(C) has been circulated. The other two have
21 not as yet been circulated. These will be. Make sure you

1 get them because this will be on the Calendar for consider-
2 ation tomorrow.

3 There are no other reports of standing committees.
4 There are no new proposals. Motions and resolutions: There
5 is one resolution, Resolution No. 19. The Clerk will
6 read the resolution.

7 MR. QUILLEN: Resolution No. 19, by Delegate
8 Chabot, A Resolution to extend the session of this Conven-
9 tion to January 12, 1968.

10 THE PRESIDENT: Resolution No. 19 is referred
11 to the Committee on Calendar and Agenda.

12 The Chair recognizes Delegate Powers.

13 DELEGATE POWERS: Mr. President, I move the
14 Convention --

15 THE PRESIDENT: Is there a second?

16 (Whereupon, the motion was seconded.)

17 DELEGATE POWERS: Mr. President, I move the
18 Convention resolve itself into the Committee of the Whole,
19 subject to the provisions for control and limitation of
20 debate as set forth in the Debate Schedule No. 1, distributed
21 to the delegates.

1 THE PRESIDENT: Is there a second? Is there
2 a second?

3 (Whereupon, the motion was seconded.)

4 For what purpose does Delegate Gleason arise?

5 DELEGATE GLEASON: Mr. President, I would like
6 to get some clarification of the time limitations proposed
7 here by the Chairman of the Committee.

8 THE PRESIDENT: Before you do that, may I inter-
9 rupt the proceedings to perform a chore which I have been
10 asked to perform? Since the adjournment yesterday, all
11 of the microphones in the Chamber have been checked, and
12 a great many of them have been replaced. Part of the
13 difficulty we had been having is due to the microphones, and
14 a part is due to the improper use of the microphones.

15 The amplifying equipment which has been installed
16 in the House, in the Convention Chamber, and the micro-
17 phones are extremely sensitive. Please exercise care in
18 restoring them to the position between the desks because
19 repeated banging or jarring will distort the sensitive
20 mechanism.

21 In addition, I have been asked to tell each

1 delegate, please when you pick up the microphone, grasp it
2 firmly by the lower portion near the swivel joint. Do not
3 grasp it up towards the front. This results in some sort
4 of electronic disturbance and distortion. Hold it this
5 way, and hold it firmly. Do not hold it away from your
6 face. With the new microphones that have been put in, the
7 volume must be kept down to eliminate distortion. They
8 should be kept within a matter of an inch or two from your
9 mouth. In this way also if you turn your head, your micro-
10 phone will follow.

11 A few simple rules, hold the microphone firmly
12 by the lower portion, not up close to the end. Speak in
13 a normal tone of voice, but hold the microphone within an
14 inch or two from your mouth.

15 Delegate Gleason, do you have a question to ask
16 the Chairman of the Calendar?

17 DELEGATE GLEASON: Yes, Mr. Chairman. Prelimin-
18 ary to my question, I know the Committee on Calendar and
19 Agenda has a very difficult job trying to rationalize and
20 schedule time to keep pace with the schedule, the tight
21 schedule that this Convention is operating under, and it

1 is difficult for them to try to establish what is a reason-
2 able rule for all times and for all occasions. I would
3 like to get some kind of a feeling before we vote on this
4 particular schedule prior to going into the Committee of
5 the Whole, whether we could have some understanding from
6 the Committee Chairman that if at the end of the, the
7 expiration of the uncontrolled time period there are still
8 other members of the Convention who desire to speak with
9 respect to a particular amendment, that that time will be
10 extended upon the recommendation of the Committee
11 Chairman.

12 DELEGATE POWERS: In answer to that, I would
13 say that if it appears that a delegate wishes to be heard on
14 some subject, and he is not given an opportunity under
15 this limitation, steps will be taken to see that he is given
16 the opportunity. This is quite experimental in the sense
17 that it is the first time this has occurred. I believe
18 most of the delegates agree that there should be some
19 kind of limitation to debate. We are trying to be fair.
20 We attempt to be fair. If it appears the time allotted
21 is not fair, some steps will be taken to correct that

1 situation.

2 THE PRESIDENT: Delegate Gleason?

3 DELEGATE GLEASON: I appreciate those comments,
4 and with that understanding, I will vote to go along.

5 I think the difficulty that some of us have, of
6 course, is that we can't determine for ourselves ahead of
7 the fact just how many people are going to speak in connec-
8 tion with a particular manedment, but with that understand-
9 ing, I think we can operate from this point forward.

10 THE PRESIDENT: I think the Chair, before the
11 debate schedule is adopted, should also make clear two other
12 things: If you will look at the debate schedule, you will
13 see that it purports to control time for debate on a
14 limited number of subjects. This means that the time on
15 other questions is not controlled, except by the sentence
16 in the beginning portion, that no speech exceeding five
17 minutes will be permitted.

18 Now, what this means in practical application
19 is this: After the Committee Chairman presents his report,
20 and we have had the question and answer period, for which
21 there is no time limit, the Committee Chairman resumes his

1 seat on the Floor. We will follow the practice for con-
2 venience of having him occupy the President's chair on the
3 Floor, but he will be speaking from the Floor.

4 We will then, under this debate schedule, take
5 up the Committee Recommendation LB-1 for section-by-section
6 consideration, seriatim, for purpose of amendment. Sec-
7 tion 3.01 would then be open to amendment. Under the
8 rules that we are following, minority spokesmen are entitled
9 to priority in submitting an amendment. In this particular
10 situation, there are, as to some sections, more than one
11 minority report. As to Section 3.01, there is only one
12 minority report. Accordingly, when we move into the
13 section-by-section consideration, and Section 3.01 is
14 called for amendment, I would recognize Delegate Hanson,
15 who is the spokesman for the minority. At that point, he
16 would present the minority report from the Clerk's desk.
17 This, again, would be a presentation of the minority
18 position, with questions and answers, and not debate.

19 At the conclusion of that period, Delegate
20 Hanson would resume his seat and would be recognized for
21 the purpose of submitting an amendment. At that point,



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1 we would move into the controlled time on that amendment,
2 and the controlled time indicated on the debate schedule
3 would therefore apply only to that amendment.

4 After action by the Committee of the Whole with
5 respect to that amendment, Section 3.01 is still open to
6 further amendment. There is no provision in the debate
7 schedule limiting time on such further amendments -because
8 the Chairman of Calendar and Agenda has not been advised
9 of any further amendments. Accordingly there is no
10 limitation of debate on such further amendments, except the
11 general limitation of five minutes per speaker. After
12 Section 3.01 is considered, we reach Section 3.04, the
13 same procedure will be followed, except that in this in-
14 stance, there are three minority reports. The consider-
15 ation of these reports under strict parliamentary pro-
16 cedure, such as was followed yesterday in connection with
17 the motion to adjourn the Convention would, I fear,
18 result in a great deal of misunderstanding because, for
19 instance, if at the time of the first minority report on
20 Section 3.04 the amendment was to change the size of the
21 General Assembly to the 40-80 combination, and that were

1 submitted, secondary amendments to the committee recom-
2 mendation would be in order, and could be considered, but if
3 a secondary amendment to the committee recommendation were
4 acted upon and adopted, the question would then arise on
5 the minority report 40-80 to substitute for the committee
6 recommendation as amended. If the Committee of the Whole
7 should adopt that amendment, you would then not have the
8 opportunity to further debate the other alternates with
9 respect to that section because the Committee of the Whole
10 would have acted and would preclude any further internal
11 amendments, except with respect to amendments that would
12 encompass more than the numerals 48.

13 I think this could lead to a considerable mis-
14 understanding and a failure to present to the Committee
15 of the Whole all of the alternates offered by the minority
16 report. Accordingly, the Chair will follow the procedure,
17 which is not strictly in accordance with technical rules
18 of parliamentary procedure, but I believe is justified,
19 of taking each minority report successively, regardless of
20 the action taken by the Committee of the Whole on the prev-
21 ious one, and in addition, to consider any other amend-

1 ments dealing with the same subject, following a consider-
2 ation of the three minority reports. This procedure could
3 result in the Convention, in the Committee of the Whole
4 wasting time, debate, alternate procedures, when a majority
5 of the Committee clearly wants it earlier, but I think as
6 a procedure to follow until we see just what kind of amend-
7 ments develop, it will be preferable to following the strict
8 procedure that would have us involved in secondary amend-
9 ments to amendments, et cetera. Accordingly, I simply
10 want to announce to you that in connection with the
11 debate schedule now before you, keep in mind the two things I
12 have mentioned: The debate schedule other than the five-
13 minute limitations debate only on the matters mentioned
14 therein, and in the case of successive amendments to the same
15 section, we will treat them successively and not be con-
16 cerned with whether they are primary or secondary amend-
17 ments.

18 Is there any discussion? Delegate Gleason?

1 DELEGATE GLEASON: Mr. President, I would
2 like to make a correction in the debate schedule, on
3 page 2, if you will.

4 The minority report under the controlled time
5 will be under the control of Delegate Bard, rather than
6 Delegate Gleason.

7 THE PRESIDENT: Will the Chairman of the Com-
8 mittee on Calendar and Agenda make the amendment to the
9 debate schedule? As I understand it is under section
10 3.12; the control of the time for the presentation of the
11 minority report will be by Delegate Bard and not Delegate
12 Gleason.

13 DELEGATE POWERS: Yes. The debate schedule
14 will be amended to reflect that change.

15 THE PRESIDENT: Any further discussion?

16 Are you ready for the question?

17 Delegate Bamberger.

18 DELEGATE BAMBERGER: I should like to address
19 an inquiry to the Chairman of the Committee on Calendar
20 and Agenda.

21 THE PRESIDENT: You may do so.

1 DELEGATE BAMBERGER: M r. Chairman, in the
2 uncontrolled time which follows the discussion by
3 the minority reports spokesmen or the Chairmen on the
4 various sections, may a Delegate speak to either a majority
5 report or the minority report without offering an amendment
6 to either of those reports?

7 DELEGATE POWERS: The answer to that is yes, he
8 may, subject to a limitation of three minutes. He may
9 speak favorably or unfavorably on the matter immediately
10 before the Convention.

11 DELEGATE BAMBERGER: And what are those steps
12 which you say can be taken to extend the uncontrolled time
13 if it is necessary?

14 DELEGATE POWERS: If we reach the point where
15 the uncontrolled time appears to be insufficient to give
16 the Delegates a reasonable opportunity to present their
17 point, we would move that the Committee of the Whole
18 rise and report to the Convention that we desire to
19 amend the debate schedule to permit further time.

20 DELEGATE BAMBERGER: I would address an inquiry
21 to the Chair: Is there no way to accomplish that purpose

1 without the Committee of the Whole rising and reporting
2 to the Convention?

3 THE PRESIDENT: No, I don't think so; but the
4 procedure to do that is not a matter of delay. It is a
5 30 second matter.

6 Any further discussion?

7 Delegate Chabot.

8 DELEGATE CHABOT: My understanding would be
9 that a motion to reconsider an action taken in the
10 Committee of the Whole may be made at any time before the
11 Committee of the Whole arises. It arising merely to ac-
12 complish the purpose outlined by Delegate Bamberger serves
13 to cut off the opportunity to make such motion to recon-
14 sider.

15 THE PRESIDENT: If the Chair were presented that
16 situation it would rule that the rising of the Committee
17 merely to seek further instructions from the Convention
18 would not affect the rule as to reconsideration.

19 Delegate Clark.

20 DELEGATE CLARK: Mr. Chairman, is it possible
21 to reapportion the controlled time just by announcing it?

1 We have ten minutes allotted to two speakers here.

2 Could I just announce that this will be 15 and 5?

3 THE PRESIDENT: It is really not working that
4 way, Delegate Clark. The person controlling the
5 time has the complete control over the time.

6 For instance, in section 3.04, when I recognize
7 you for debate under that section, you may speak as briefly
8 or as long as you want within that time, and
9 then when I recognize you again, if you did not use your
10 ten minutes, you will simply yield whatever number of
11 minutes you desire to whatever Delegate you desire.

12 DELEGATE CLARK: Thank you, sir.

13 THE PRESIDENT: Control merely means that the
14 minority spokesman or majority spokesman is controlling
15 the allocation of that limited time among the Delegates to
16 speak. It doesnot mean he is speaking himself for that
17 period of time.

18 Delegate Adkins.

19 DELEGATE ADKINS: Mr. Chairman, is a motion
20 to amend the debate schedule in order?

21 THE PRESIDENT: It is, sir.

1 DELEGATE ADKINS: I would move you, sir, we
2 amend the debate schedule to provide the length of un-
3 controlled speeches be extended to five minutes, in lieu
4 of three minutes, as shown on the schedule, and I should
5 like to comment briefly on the proposed amendment, if I am
6 in order.

7 THE PRESIDENT: Is there a second to the mo-
8 tion?

9 (The motion was duly seconded.)

10 THE PRESIDENT: You may proceed.

11 DELEGATE ADKINS: I suggest, sir, these are
12 matters of great complexity. I am not one who believes
13 in extensive debate, but I believe in debate of some
14 consequence. I do not think complex presentation of this
15 problem can be adequately stated by any intelligent Dele-
16 gate in three minutes. If the uncontrolled debate is
17 to be meaningful, I think the Delegates should have oppor-
18 tunity to develop their thoughts. I suggest, sir, they
19 cannot possibly do so in three minutes.

20 THE PRESIDENT: Delegate Powers, do you de-
21 sire to comment?

1 DELEGATE POWERS: Mr. President, the time
2 of three minutes was agreed upon as permitting different
3 Delegates to be heard. If it goes up to five, it means
4 fewer people can be heard. Experience elsewhere that we
5 inquired about developed that two minutes was not enough,
6 and that an average time or normal time taken was closer
7 to three than five.

8 THE PRESIDENT: Any further discussion?

9 The questionarises on the amendment to debate
10 schedule to provide that in each instance of uncontrolled
11 time within the period of limited debate the limit be five
12 minutes per speaker rather than three minutes per speaker.
13 A vote Aye is a vote in favor of the amendment to
14 increase the limit from three minutes to five minutes. A
15 vote No is a vote against.

16 Are you ready for the question? All in favor
17 of the motion to amend signify by saying Aye; contrary,
18 No. The Ayes seem to have it. The Ayes have it. The
19 motion is amended.

20 Is there any further discussion of the motion
21 to resolve into a Committee of the Whole and to adopt

1 Debate Schedule No. 1 as amended? Are you ready for the
2 question?

3 A vote Aye is a vote in favor of dissolving
4 into the Committee of the Whole and a vote in favor of
5 Debate Schedule No. 1 as amended; a vote No, a vote against.
6 All in favor signify by saying Aye; contrary, no. The
7 Ayes have it. It is so ordered.

8 (Whereupon, at 12:42 p.m. the Convention re-
9 solved itself into the Committee of the Whole.)

10 (The mace was removed by the Sergeant at Arms.)

11 THE CHAIRMAN: The Committee of the Whole
12 will now come to order.

13 The Chair recognizes Delegate Gallagher
14 for the purpose of presenting Committee Recommendation
15 No. LB-1.

16 DELEGATE GALLAGHER: Mr. Chairman, ladies and
17 gentlemen of the Committee:

18 In presenting the first report of the Committee
19 on the Legislative Branch, I deem it appropriate to say that
20 this Constitutional Convention, unlike the General Assembly
21 of Maryland, does not carry with Committee reports an

1 affirmative presumption in favor of those reports, and
2 consequently the Chairman cannot expect fidelity on the
3 part of the majority of the members of his Committee
4 with respect to the Committee reports.

5 I would hasten to point out, however, that
6 despite this lack of a presumption and the lack of neces-
7 sity for fidelity to the Committee report, that if
8 the Committee of the Whole would seek to do what each of
9 the Committees has done, to examine into the same detail,
10 to reargue all the arguments, to ~~set~~ forth the full presen-
11 tation of witnesses, that we would well be here until Jan-
12 uary, 1969, and consider ourselves lucky to go home at
13 that particular time.

14 What I say here I say not for the purpose of
15 being spared honest debate and reflection and considera-
16 tion, but it does seem to me that the hundreds of hours
17 that have gone into the consideration of these matters by
18 the Legislative Branch, the careful consideration of the
19 testimony of 68 witnesses which appeared before us in
20 connection with these matters, the evaluation of question-
21 naires which were submitted to many persons who did not
testify, certainly suggests that the decision and the

1 recommendation of the Committee carries with it, if not
2 some presumption of validity or an affirmative stance,
3 certainly some additional substantive margin in its
4 favor, which can really be overridden, as it is admitted
5 by the members of this Convention; but nevertheless, I
6 place these ideas before you in the interest of accomplishing
7 what we must do by the stipulated deadline.

8 The Report of the Committee on the Legislative
9 Branch represents the maximum concerted efforts of that body
10 to outline the structure for a modern General Assembly.
11 The Committee itself was composed of seven present or
12 former members of the General Assembly, three professional
13 educators, a former judge, a former President of the
14 Maryland Senate, and I might say, a generous representa-
15 tion from the minority party, not to mention three from the
16 disstaff side. Ten of our twenty members were lawyers,
17 one has served as an aide on Capitol Hill, and two of the
18 Committee members were leading figures in the five-year
19 fight for reapportionment in Maryland. Virtually all
20 of the Committee members have had contact with State
21 government and some are long-time professional students of

1 State legislatures, including Maryland.

2 The aim of the Committee was to structure a
3 legislature which provides the maximum practicable represen-
4 tation, with the utmost efficiency. The Committee recog-
5 nizes that at some point the overemphasis of one would un-
6 duly restrict and limit the operation of the other. Where-
7 ver possible, the Committee strove to achieve a full self-
8 determination and wide responsibility for the proposed
9 General Assembly.

10 In particular, it avoided the temptation to
11 bypass such agitating questions as determination of length
12 of session and salary setting by such a devious device
13 as the creating of commissions to carry this burden.

14 By and large, the Committee recognized that
15 it was writing a long-term document, and consequently it
16 sought to avoid restrictions within it which would ad-
17 mittedly meet the problems of the immediate future but
18 which, over the long run, might well prove to act as impedi-
19 ments.

20 In searching for the outline of the modern
21 structure, the Committee was not unmindful of the value

1 of tradition and history. Nothing of value was discarded
2 because it was old, and nothing new was provided for solely
3 on the basis that it was some glittering innovation.

4 Within the framework of this balancing of the
5 old and proven with the new and necessary, the Committee
6 decided upon a bicameral legislature, but it reached dis-
7 agreement on the premise that the accompanying recommenda-
8 tions supplied the best kind of bicameralism. Admittedly
9 then in a certain sense the Committee report is a consensus
10 document. It represents a legislative structure based upon
11 a rationale which the vast majority of the Committee
12 could well support. Radical deviations in either direction
13 would destroy this consensus and would render the
14 recommendations abhorrent to those on the far side of the
15 spectrum. To say, therefore, that the recommendations
16 represent a compromise is not to detract from the simpli-
17 city, clarity and recognition of values represented and
18 preserved.

19 The Committee has not been unmindful of the
20 existing basis of actual political strength, nor has it
21 sought intentionally to destroy vested interests, although

1 some might well be destroyed. Since, however, it
2 has sought for a responsible legislature, a legislature
3 easily observed and a responsibility explicitly imposed,
4 its by-product will, hopefully, be a concentration of public
5 attention upon the individual legislator..

6 The Committee would hope, therefore, that it
7 has fashioned a body where the opportunity to serve is
8 commensurate with the likelihood of being accurately evalu-
9 ated by the electorate on the basis of actual performance.

10 To be lost among large numbers, not to be
11 accountable for decisions, and to carry but a portion of the
12 responsibility to the electorate are evils which the
13 Committee sought to eliminate.

14 These are the reasons which impelled Committee
15 approval of what follows. These recommendations may
16 well not be what each of the 20 members of the Committee
17 would have preferred if he were the sole author of the
18 section, but the recommendations do represent what the
19 vast majority of the Committee agreed upon in the crucible
20 of the democratic process, and on that basis the Committee
21 report is presented.

1 I would stress in taking up section 3.01, that
2 is to say, the legislative power of the State is
3 vested in the General Assembly, which shall consist of
4 two houses, the Senate and the House of Delegates,
5 that this particular section must be read in conjunction
6 with the remainder of the recommendations. That is to say,
7 I am suggesting to this Committee that the report which
8 you have before you is a package, and was voted upon with
9 the idea that it contained the elements throughout which
10 made each and every section satisfactory to the majority
11 of the members of the Committee.

12 The Committee heard 68 witnesses, of whom 31
13 were present or former members of the General Assembly, 11
14 were professionals in the field or authors and academi-
15 cians -- I hesitate and do not use the word experts -- and
16 13 were legislative agents or lobbyists or fell into other
17 categories.

18 In suggesting the adoption of a bicameral
19 General Assembly, the Committee did not believe that we
20 should depart from tradition or history. In each of the
21 four Constitutions under which the State of Maryland has

1 operated, there has been a bicameral General Assembly
2 of various sizes and various compositions, and throughout
3 practically the entire colonial period of the State of
4 Maryland, with the exception of a few years, the exper-
5 ience of this State was to operate both with an upper house
6 and a lower house.

7 I think our Committee perhaps was somewhat
8 amused, but nonetheless impressed by the colloquy which
9 is said to have occurred between Thomas Jefferson and
10 George Washington with respect to a bicameral General
11 Assembly. Jefferson, we are told, was chiding Washington
12 at the breakfast table as to why Washington had voted for
13 a two-house General Assembly, to which Washington replied
14 to Jefferson, "Why, sir, do you pour the tea from your cup
15 into your saucer?"

16 "To cool it," replied Jefferson.

17 "Exactly," replied Washington. Therefore,
18 I think, if you will allow me a colloquialism, one of the
19 purposes of the bicameral General Assembly is to cool
20 it a bit, to see to it that so-called hasty and ill-con-
21 ceived legislation is not too swiftly passed before the

1 passions of the moment are spent and before proper and
2 full, calm deliberation can take place.

3 So it is quite true, therefore, that in addi-
4 tion to having bicameralism in our State's history and
5 tradition by and large throughout our entire expanse
6 from 1634, that we do have this opportunity to cool
7 passion.

8 As was suggested in the Commission report,
9 the two houses provide a technical review and tend
10 to minimize careless legislation. A two house system
11 also permits the graduation of a member from one house
12 to the other, and I might say on some occasions the demo-
13 tion from the Senate to the House.

14 It is not improper for me at this time to ob-
15 serve that in Dr. Michener's paper which you had laid
16 before you it is said that the Maryland Senate was supposed
17 to be compared somewhat to the House of Lords, and I think
18 those of us who have served with former or present members
19 of the Senate at this particular Convention can well
20 attest to the strength of that principle, as has been
21 shown in the testimony and the Committee debate here.

1 It is said that a bicameral legislature is
2 more difficult to corrupt than a unicameral legislature,
3 the theory being, I suppose, it is more costly to corrupt
4 two houses than one.

5 With a bicameral legislature, and presumably
6 with the larger number of persons who would be represented
7 when adding both houses together, one would presume
8 that there would be more legislators for the populace
9 to know, so that the opportunity for personal contact on
10 the part of the constituents with those who represent
11 them, both in the upper house and the lower house, would
12 be greater than if one had a unicameral body which
13 had an aggregate body less than the total number of both
14 the House and the Senate in the bicameral General Assembly.

15 Another argument made for bicameralism is
16 it allowed for differentiation in two chambers of different
17 interests, such as rural and economic interests. In this
18 respect I might say, anticipating a further section of
19 the report, that it was the desire of the Committee on the
20 Legislative Branch not to have the Senate district serve
21 geographically as an identical base with that of the

1 Legislative District, so that you will see in the
2 structuring of the Assembly that what we have provided for is
3 Senate district, within which are located three whole
4 House districts, so that, therefore, within a single
5 Senate district one would have three members of the House,
6 one from each of the three House districts, and one
7 member of the Senate, the idea being, of course, that
8 the Senator representing three times what an individual
9 Delegate representative would represent would have a broader
10 outlook and would have a larger regional approach to the
11 particular subjects of controversy or legislation which
12 might lie before him.

13 I think that the arguments presented in the
14 Michener Report are summed up more fully and completely
15 in the report of the Commission draft, which begins on page
16 125.

17 As you will see from the Committee recommenda-
18 tion, and I do not plan to go into what has been presented
19 rather fully, it is perfectly plain that bills which pass
20 from the House into the Senate and the Senate into the
21 House are reconsidered, they are amended and on many

1 occasions they are killed; and if one should adopt the
2 point of view, as many people do, that one of the purposes of
3 a State legislature is to legislate selectively and well
4 rather than too extensively and quantitatively, then cer-
5 tainly the operation of the second house to eliminate bad
6 legislation and to correct legislation which would be bad
7 if passed in the form in which it was enacted in the first
8 House, then certainly the operation of the second house
9 in all respects acts not only to clear up technical diffi-
10 culties, but also gives one an opportunity to offer substan-
11 tive amendments, and on occasion, when necessary, to kill
12 a bill which should not have been passed at all.

13 I might say here, too, that 40 of the 50
14 States of the Union use the bicameral system, and although
15 it is true that there was some early experimentation in
16 the New England States with the unicameral system through
17 1838, that by and large, with the exception of the State
18 of Nebraska, that the bicameral system has been a tradi-
19 tion in State legislatures.

20 Admittedly, the bicameral house has been done
21 away with in most of the urban communities and the large

1 metropolitan cities of the United States, but with the
2 exception of Nebraska going from bicameral to unicameral
3 in 1937, the States of the Union have by and large for
4 a period of 130 to 140 years found the bicameral system
5 quite satisfactory.

6 I might point out here, too, that there has
7 been several occasions presented since the Supreme Court
8 decision in Baker versus Carr, and Reynolds versus Simms,
9 establishing the one-man/one-vote theory, when State
10 constitutional conventions could have departed from the
11 bicameral General Assembly and did not do so, and we have
12 before us as documents provided for our study both the
13 Constitution of the State of New York, which may either
14 be ascending or descending at this very hour,
15 and the State Constitution of Rhode Island, which also
16 adopted a bicameral general assembly; the point here
17 being that bicameralism has prevailed thus far, despite the
18 one-man/one-vote rule.

19 I would like now to move from a consideration
20 of section 3.01 to a consideration of section 3.04, the
21 composition of the legislature, and if you will indulge

1 me, I would like to read the precise language of the
2 Committee recommendation.

3 "The number of members of each house of the
4 legislature shall be as prescribed by law, but the number
5 of Delegates shall not exceed 105 and the number of Sena-
6 tors shall be one-third of the number of Delegates. Each
7 Delegate shall represent one Delegate District, and each
8 Senator shall represent one Senate District. Each Senate
9 District shall be composed of three whole Delegate Districts."

10 Within that single section 3.04 are several sub-
11 divisions, all of which are equally controversial, so I
12 should like to address myself to each of them.

1 In arriving in effect at the maximum limitations
2 of 35 Senators and 105 members of the House, the Committee
3 in actuality settled on a compromise between 48, 48 Senators
4 and 80 Members of the House of Delegates on the one hand,
5 and 120 Delegates and 40 Senators on the other. The
6 Committee heard great testimony, at great length, I should
7 say, to the effect that the present legislature, particularly
8 the House of Delegates, with 142 members, was too large and
9 cumbersome and unwieldy to do an effective job of legislating.

10 If one recognizes that the really important
11 committee work done in the General Assembly, in the House of
12 Delegates in particular, is carried on in two major committees,
13 the Ways and Means and the Judiciary, and if one recognizes
14 that it is virtually impossible to have more than 34
15 or 35 members on each the House Ways and Means Committee
16 and the Judiciary Committee, it becomes perfectly apparent
17 that only about 70 members of the House of Delegates are
18 being fruitfully and fully used to their full and utmost
19 potential, and when one addresses one's self to a question
20 of how large the House should be, recognizing this difficulty,
21 and taking into consideration that perhaps the House could,
if it so desired, amend the committee structure so as

1 to provide a third significant substantive committee,
2 which one would presume would not exceed 30 or 35,
3 then it appears quite apparent that the most beneficial
4 and fruitful procedure and structuring of the House of
5 Delegates would be three major committees of approximately
6 30 to 35, which would provide the rationale therefor,
7 for setting the limit of the number of members of the House
8 of Delegates at 105.

9 Certainly those of us who served in the House
10 when it was 123, much less those who serve in it at 142,
11 are cognizant of the fact that if one does not get an
12 appointment to one or two major committees, one feels that
13 the time expended is not well-expended.

14 It may well be that the House, like the Senate,
15 could form this third significant committee, and conse-
16 quently make use of up to 105 members in a full and satis-
17 factory fashion.

18 The adoption of 35 as the figure for the Senate
19 was also a compromise in the various packages which were
20 presented to the committee, and while it was generally
21 agreed that the old Senate of 29 was a little bit too
clubby, in the sense that one dealt on a much more personal

1 basis than one would in a larger Senate of 43, nevertheless
2 it was felt by those who testified and by the committee
3 generally in its majority recommendation that 35 would
4 serve as an ideal number because of the happy proportion
5 which is provided on a three-to-one ratio.

6 Here we felt that the three-to-one ration was
7 quite significant, and would provide, as has been recommended
8 by a great number of students of government, with the best
9 possible correlation of House to Senate with the three-
10 to-one.

11 Now, I might point out to the members of this
12 committee that if you examine the structure of both the
13 House and the Senate under all four Maryland Constitutions,
14 that never has the State of Maryland through its Consti-
15 tution allowed the General Assembly to have within its
16 own hands the determination of the ultimate numbers which
17 will serve in each House, regardless of limitation. If
18 you look at the Constitution of 1776, you will find that
19 although there were 18 counties existing in Maryland at
20 that time, that the Constitution called for but 15 Senators,
21 six to be elected from the Eastern Shore, and nine from

1 the Western Shore, by an electoral college.

2 In the House, each county was entitled to four,
3 and four only, delegates to the lower body, and the City
4 of Baltimore and the City of Annapolis was entitled to two.
5 In examining the 1851 Constitution, we find that for the
6 first time the State of Maryland adopted the proposition that
7 each County was entitled to one Senator and so we find
8 in 1851, with 21 counties in Maryland, we had 21 Senators,
9 but we also find that there was a sliding scale for the
10 House, so that one could not have, regardless of population,
11 more than five delegates.

12 You examine the 1864 Constitution and here again
13 you find a sliding scale for the House, with an ultimate
14 limit and a set determination of Senators, 21. You
15 examine the Constitution of 1867 under which we operate
16 today and you will find that as originally set forth,
17 it provided a Senator for each county, it provided three
18 legislative Districts for the City of Baltimore, and one
19 Senator to come from each -- this was later amended in
20 1900 and 1922, to provide an additional one and then an
21 additional two Senators from the City of Baltimore,

1 which made us arrive at the figure of 29, but, regardless
2 of the number of inhabitants of each county, which exceeded
3 55,000, one county received no more than six Delegates
4 in the aggregate, so that in effect, built in the State
5 Constitution, was the machinery to determine the ultimate
6 number in any event, and although it is quite true that
7 in 1950 the figure was frozen at 123, because so many
8 of the large counties had so far passed the 55,000 mark, and
9 they did not want to allow the gradations from two to six,
10 which were allowable to the smaller counties as they were
11 growing to further provide malapportionment within the
12 General Assembly, that nevertheless had the ultimate happened,
13 that the 29 subdivisions of the state would have never been
14 entitled to more than six apiece, so that you would have
15 had 174 members of the House of Delegates, had each and
16 every 23 counties and six Districts of Baltimore City
17 exceeded the 55,000 figure.

18 That was never allowed to happen, but as I say,
19 it had built in the machinery to provide a maximum
20 number.

21 I address myself to this Constitutional

1 history because I think it is important from the viewpoint
2 of the committee recommendation, for this committee to
3 recognize that never has the Constitution of Maryland
4 allowed limitless numbers in either the House or the
5 Senate, because if we did, we would well find ourselves
6 in the position of the State of New Hampshire, with 400
7 members in the House, and we might well find ourselves
8 in the position of the Lower House of the Congress of the
9 United States, where nothing can be done because of the large
10 number and they operate permanently for all intents and
11 purposes on the Committee of the Whole basis and so in
12 making a recommendation of the limitation of 35-105,
13 the committee was not unmindful of what had happened before.
14 It was not unmindful of the lack of enthusiasm of a
15 member of the General Assembly to legislate itself out
16 of office by way of apportionment and redistricting when
17 those times must come, and those times have come and are
18 with us, and will be with us for days to come.

19 It is very necessary to provide some limitation.

20 The 35-105 figure is not necessarily one of magic
21 or one of any art but when one considers the testimony

1 which we had before us, it became perfectly obvious that
2 there was great rationale and support for this particular
3 set of numbers.

4 I might point out, too, that there is no necessity
5 that the full 105-35 be used. Any lesser number can be used,
6 as long as the multiple of 3 House members exist for each
7 Senate member.

8 At this point I think it appropriate to address
9 myself to the question of why we have abandoned the attempt
10 to keep every county represented by at least one delegate.
11 The answer lies in the projected population figures for the
12 State of Maryland in 1970 and 1980.

13 We will have, if those estimates are correct, a
14 little less by 40,000 than 4 million people in 1970, and by
15 1980, the figure should approach 5,400,000.

16 Under the one-man, one-vote rule, it becomes
17 obvious that in 1970, in order to provide each county with
18 one delegate, it would be necessary that this chamber be
19 enlarged to accommodate 192 persons. If the 5,400,000 figure
20 prevails in 1980, it will be necessary that this body
21 be enlarged to approximately 227 members.

1 Now, in using these population figures and
2 these projections, I should point out to the Committee of the
3 Whole that they have always been on the conservative side,
4 and that if you go back and examine these same projections
5 in the 1930 and 1940 reports of the State Department of
6 Planning, you will find that they have grossly under-
7 estimated the rate of growth of the population of the State
8 of Maryland, so that when we project, as we must mathemati-
9 cally, the figure of 192 delegates in 1970 and 227 in 1980,
10 and beyond that, we get into the three and four hundreds,
11 these are conservative estimates at best, and so the committee
12 reluctantly, and with sympathy, but nevertheless recognizing
13 the fact that it had to abide by the decisions of the Supreme
14 Court of the United States. the one-man, one-vote rule,
15 that it was impossible to continue the one delegate per
16 county, and consequently that was the reason why it was
17 abandoned.

18 Even today, using the 1960 census figures, in
19 providing one delegate for each county, there is a 65
20 per cent deviation existing within the presently-apportioned
21 General Assembly of Maryland, so that if one establishes

1 the mean of population, the median figure of what it takes
2 to represent one- one hundred forty-secondth of the total
3 population of Maryland, some counties are under-represented
4 to the point of 35 per cent and others are over-represented
5 to the point of 30 per cent so that there is a 65 per cent
6 swing within the existing General Assembly of Maryland,
7 using 1960 census figures.

8 I should like to point out to the Committee
9 of the Whole that if one examines the other legislatures
10 in the United States, that one will find that the national
11 median figure for the Senate for all State legislatures
12 is 38 Senate members, and the national median figure for
13 the lower House bodies is one hundred -- 38 and 100.
14 That figure, using the national medians and applying them
15 to the suggested 38-100 to 35-105 shows that in making
16 the recommendation, the committee has fallen within
17 the national median quite significantly.

18 Of course, in examining the highs and lows,
19 one will find the low State Senate with 18 Senators, and
20 the low House of Delegates with 35 delegates, compared --
21 that being the Delaware figure, I might say -- compared

1 with a state high of 67 Senators in Minnesota, and
2 400 House members in New Hampshire.

3 As examples of other states, which have lesser
4 Senate and House members than the 35-105 suggested by
5 the committee, I refer you to the large State of California,
6 with 40 Members in the Senate and 80 in the House, with
7 Arkansas, with 35-100, Arizona, 30 and 60, Alaska, with
8 20 and 40, Colorado with 35 and 65, Hawaii with 25 and 51,
9 Idaho with 35 and 70, Kentucky with 38 and 100, Nevada
10 with 20 and 40, New Hampshire with 42 and 70, Oregon with
11 30 and 60, South Dakota with 35-75, Tennessee with 33-99,
12 Utah with 28-69, Washington with 49-99, and Wyoming, with 30
13 and 61.

14 I might point out also that of these states, I
15 am referring particularly to Ohio, and to Tennessee, that
16 Ohio with 33 members in the Senate and 99 in the House
17 has the three-to-one ratio which the committee recommends
18 and Tennessee with 33 and 99 has the identical three-to-one
19 ratio.

20 Now, it is true that if the figures of 35 and 105
21 are adopted, as is suggested by the committee, that it does

1 amount to a total elimination of 45 Senate and House
2 members from the 185 aggregate members of House and Senate
3 who are serving today, but this is not such severe surgery
4 as one may think when one examines what has happened
5 recently as a result of the restructuring of the legislatures,
6 for example, of Connecticut and Vermont, where in Connecti-
7 cut as a result of a reduction in the size of the Senate
8 and House there was a reduction of total members of 117
9 and 96 were likewise eliminated in Vermont, so that there
10 is ample precedent for larger reductions in size.

11 Projecting the figure of 3,960,000 in Maryland
12 for 1970, each Senate member would represent approximately
13 113,000 people and each House member would represent
14 approximately 37,700 people.

15 Now, if one examines the population of the State
16 of Maryland from 1790 until today, one will find that there
17 has been first of all a constant growth in the size of the
18 state as a whole, although there were three counties which
19 lost population between 1950 and 1960, and there were six
20 counties which had less population in 1950 than they did
21 in 1790, but nevertheless, despite these sporadic decreases

1 in certain areas of the state, that in the Constitution
2 of 1776, each delegate represented approximately 2,700
3 people in one of the counties.

4 Now, it becomes quite impossible, of course, to
5 put the lid on the number of people which a delegate or
6 senator may represent unless one wants to engage in the
7 Swiss canton style, the town hall meeting and have everyone
8 in or have a significant number of people representing
9 a state, both in the House and the Senate.

10 The committee felt in recommending 35 and 105
11 that in this age of aid to mass communication and the area
12 where so much information is made available, that
13 representation would not suffer, as a result of the fact
14 that there was an ever-increasing number of persons repre-
15 sented by a single delegate or single Senator.

16 It was impossible to do otherwise, without
17 getting into problems which I have discussed heretofore.

18 So, therefore, the 35-105 figure is a figure
19 which is quite defensible. Admittedly, it is a
20 compromise figure. The committee itself at one point tied
21 ten to ten on a House of 80, and a Senate of 40, and the

1 the comprmose of 35-105 was reached after several hours
2 of debate, but was reached in the spirit of the democratic
3 process.

4 Turning now to the question of the representation
5 of one delegate per delegate district, and each senator
6 representing one Senate District, we perhaps address ourselves
7 to that question which has created the most commotion
8 in Baltimore City.

9 The committee recognized the fact that prior
10 to reapportionment that Maryland has had by and large through-
11 out its history, at least from 1837 on, until recent reap-
12 portionment, the single-member district for the State Senate.
13 The Upper House has always been throughout our modern history
14 a single-member district. The fact that there was a
15 change that was brought about by reapportionment, and it
16 would not be unfair to say that the tradition of the single-
17 member district in the Senate was departed from somewhat
18 reluctantly in some areas. Maryland today has a combination
19 of the use of both multi-member and single-member districts.

20 At the present time, 39 bodies, that is to say,
21 either a House or Senate, in 26, over half the states of

1 the Union, use single-member districts exclusively so
2 consequently the idea of a single-member district is not
3 one which is new.

4 I think it is also interesting to note that
5 despite the arguments that are made about the difficulty
6 of using single-member districts within a large urban
7 area, that New York decided to continue the single member
8 district for the use of both House of its state legislature,
9 despite the fact that it has within its confines the largest
10 city of the United States.

11 Now, the arguments for a single-member district
12 are many, and I am just going to briefly outline them.

13 First of all, it strengthens the two-party
14 system, because it is quite obvious that one can have a
15 large minority party in any political subdivision, and
16 yet as a result of a sweep, a 55 per cent, 45 per cent
17 split between one party and the other may well produce
18 no representatives from the minority party, so that in a
19 political subdivision, which was electing 8, 12 or 16
20 members to a lower House, and was constituted with 55
21 per cent one party and 45 per cent another, all the members

1 of the majority party may well win and none of the members
2 of the minority party, thereby effectively removing the
3 possibility of adequate minority representation, despite
4 a significant and large, but not majority voter registra-
5 tion on the part of the minority party.

6 This, then, really reduces the possibility of
7 a clean sweep by one party, and to that extent it certainly
8 strengthens the two-party system.

9 Today the average voter who must in certain
10 sections of the state vote for eight members of the lower
11 House, may well be acquainted with one, two, three or four,
12 but having exhausted those possibilities and those connec-
13 tions, then may play the game, the alphabet game of voting
14 for everybody under the A's and the remaining slots unused
15 or may look for a name which appeals to him, or may look
16 for men or women, as the case may be, and the committee
17 felt that where one is forced to address oneself to the
18 question of voting for multiple candidates, that in reality
19 these votes are lost, particularly beyond the level of
20 personal acquaintanceship or knowledge of the parties and
21 that to the extent that the fourth, fifth, sixth, seventh

1 and eighth spot on the ballot may be filled it is often
2 filled by happenstance rather than intention on the part
3 of the voter.

4 Under the single-district voter arrangement every
5 voter in the state would have but one Senator and have but
6 one delegate, so that he would address himself, particularly
7 in the primary election, to selecting one of each and
8 of course come the general election, you would have the
9 typical head-on clash, between the two major parties of
10 the District, but one would be in a position to know at
11 all times who his one senator was, and who his one delegate
12 was, so that there is no evasion of responsibility, so
13 that one can know who is to be called upon for constituent
14 services, so that one can evaluate and know where one's
15 senator or one's delegate voted.

16 There is greater visibility, and greater
17 responsibility placed upon the shoulders of those who serve
18 in a single member district arrangement in both House and
19 Senate than there is in those areas where you can get
20 lost as one among eight or one among four, five, six, or
21

1 seven and this high visibility, this greater sense of
2 responsibility, this greater opportunity for public scrutiny,
3 the committee felt 15 to 5, I might say, 15 to 5, the
4 roll call vote on the subject matter, would provide a
5 better Senate and a better House and a better kind of
6 representation for the people of Maryland.

7 Of course, one of the happy by-products of
8 using the single-member district would be the cutting down
9 on the long ballot.

10 There is a significant effort being made in
11 this convention to eliminate the long ballot by eliminating
12 certain state-wide offices, and certainly if one is to
13 follow the logic of this approach, the cutting down on
14 60 and 70 candidates would certainly provide an
15 opportunity for greater voter intelligent participation
16 at election time.

17 Mr. Chairman, I note that the time is 1:30. Do
18 you wish me to proceed?

19 THE CHAIRMAN: Do you think your principal
20 presentation will take much longer, not including
21 the question period?

1 DELEGATE GALLAGHER: I should say another 20
2 minutes to a half hour.

3 THE CHAIRMAN: If that is the case, I would
4 recognize Delegate Powers.

5 DELEGATE POWERS: Mr. Chairman, so that the
6 Convention may recess, I move that the Committee of the
7 Whole rise and report progress in our consideration
8 of the Committee Recommendation No. LB-1.

9 THE CHAIRMAN: Is there a second?

10 (Whereupon, the motion was seconded.)

11 THE CHAIRMAN: Any discussion?

12 All in favor signify by saying Aye; contrary,
13 No. The Ayes have it. It is so ordered.

14 (The mace was replaced by the Sergeant at Arms.)

15 (Whereupon, at 1:29 p.m., the Committee of
16 the Whole rose, and the Convention reconvened.)

17 THE PRESIDENT: The Convention will please
18 come to order.

19 The Committee of the Whole reports that it has
20 under consideration Committee Recommendation No. LB-1.
21 It desires leave to sit again as soon as the luncheon

1 recess is over. The Chair recognizes Delegate Powers.

2 DELEGATE POWERS: Mr. President, I move we
3 recess until 2:30.

4 THE PRESIDENT: Is there a second?

5 (Whereupon, the motion was seconded.)

6 THE PRESIDENT: All in favor signify by
7 saying Aye; contrary, No. The Ayes have it. It is so
8 ordered.

9 (Whereupon, the Convention recessed at 1:30 p.m.
10 to reconvene at 2:30 p.m., the same day.)
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A F T E R N O O N S E S S I O N

November 7, 1967 - 2:30 p.m.

THE PRESIDENT: The Sergeant at Arms will clear the aisles and close the doors.

The Convention will please come to order.

Roll call.

(Whereupon, the roll call was taken.)

Have all delegates answered roll call?

Have all delegates now answered roll call?

The Clerk will record the roll call.

There being a quorum present, the Convention is in session.

I am sorry that through oversight, I neglected to recognize earlier Delegate Bradshaw for the purpose of making an announcement at a more opportune time than now, but I would still rather have him make the announcement than not at all. Delegate Bradshaw?

DELEGATE BRADSHAW: Mr. President, what I had intended to announce, Mr. President, and this is sort of an announcement after the fact, was that there was present at the first session in the gallery two classes from

1 Mater Dei School from Potomac, Montgomery County. The
2 boys were accompanied by the assistant headmaster of the
3 school, Mr. Paul Raymond, one of the masters, Mr. Paul Mahot-
4 ta. This occasion had special significance to me because
5 my son, my oldest son, John Robert Bradshaw, is a member of
6 a Class 8-V of that school.

7 Thank you, Mr. President.

8 THE PRESIDENT: I think we will give belated
9 recognition to the fact. (Applause.)

10 The Chair recognizes Delegate Powers, Chairman
11 of the Committee on Calendar and Agenda.

12 DELEGATE POWERS: Mr. President, I move the
13 Convention resolve itself into the Committee of the Whole
14 in order to resume consideration of Committee Recommenda-
15 tion LB-1.

16 THE PRESIDENT: Under Debate Schedule No. 1?

17 DELEGATE POWERS: Under Debate Schedule No. 1.

18 THE PRESIDENT: Is there a second?

19 (Whereupon, the motion was seconded.)

20 THE PRESIDENT: All in favor, signify by
21 saying Aye; contrary, No. The Ayes have it. It is so

1 ordered. The Committee of the Whole will come to order.

2 (Whereupon, at 2:37 p.m., the Convention re-
3 solved itself into the Committee of the Whole.)

4 (The mace was removed by the Sergeant at Arms.)

5 THE CHAIRMAN: The Chair recognizes Delegate
6 Gallagher, Chairman of the Committee on the Legislative
7 Branch to resume his presentation of Committee Recommenda-
8 tion LB-1. Delegate Gallagher?

9 DELEGATE GALLAGHER: Mr. Chairman, ladies and
10 gentlemen of the Committee, recognizing with Benjamin
11 Franklin that a full belly maketh a dull brain, the pre-
12 sentation this afternoon will probably be more limited
13 than that this morning.

14 I concluded my remarks on single member districts
15 by saying that it is, of course, tied in with the bicameral
16 recommendation in the earlier section and also with
17 a relatively small-sized House and Senate. Any significant
18 increase in the size of the House and Senate would do
19 injury to the concept of the single member district, in
20 view of the fact that it would considerably lower the num-
21 ber of people represented and make the districts much more

1 parochial.

2 I turn now to consideration of Section 3.05, the
3 qualifications of legislators.

4 I should like to read it: "To be eligible as a
5 senator or delegate a person shall be a qualified voter of
6 the State of Maryland at the time of selection or appoint-
7 ment, shall have been a resident of the State for at least
8 two years immediately preceding his election or appointment,
9 and shall have been a resident of his senate district for
10 at least six months immediately preceding his election or
11 appointment. If, however, any redistricting plan for
12 senate districts has been adopted within one year before
13 a general election for the General Assembly, he shall be
14 eligible in that general election to run either in the
15 senate district in which he resides, or in any other
16 senate district containing 50 per cent or more of the
17 population of the senate district in which he resided prior
18 to redistricting. To be eligible as a senator, a person
19 shall have attained the age of twenty-five years and to be
20 eligible as a delegate, he shall attain the age of twenty-
21 one years at the time of his election or appointment."

1 To dispose I would trust, of the less contro-
2 versial section of this recommendation, that is, the age
3 qualification for both House and Senate, I would say simply
4 that all four of the Maryland Constitutions from 1776 forward
5 have contained identical twenty-one years of age qualifi-
6 cations for the House, and twenty-five years of age quali-
7 fications for the Senate, without exception in all the
8 documents; the only really significant change was, of
9 course, the property qualifications that existed in the
10 1776 Constitution.

11 Now, Section 3.05 with respect to a two-year
12 residence in the State of Maryland is a decrease of one
13 year from the present requirement of the Constitution of
14 1867 that one be a resident for at least three years
15 immediately preceding his election.

16 The significant aspect of the six months'
17 residence requirement in the senate district is twofold:
18 There was considerable sentiment in the Committee for the
19 Legislative Branch to have no residence requirement at
20 all within either the senate district or the house district,
21 and it was a rather large sentiment. In other words, if one

1 were simply a voter, a citizen and two years a resident of
2 Maryland, it had been proposed that one should be allowed
3 to run for any Senate seat or any House seat. However, given
4 in the spirit of compromise, it was felt that, although
5 the charge of carpetbagging against one who came in from a
6 district in which he did not reside, would perhaps be
7 effective most of the time, that nevertheless there should
8 be some residence qualification within the senate district,
9 and so the compromise that was adopted was this: That so
10 long as one lives within the senatorial district, he can
11 run for the Senate and no matter where he lives within
12 that senate district, he can run for any of the three House
13 seats. One need not be, therefore, a resident of the par-
14 ticular house district which one would seek office for
15 as long as you were anywhere in that senate district. In
16 other words, translating it would be this: If you are a
17 resident of any three of the House districts which compose
18 a single senate district, you may qualify to run for the
19 House; in order to run for the Senate you must naturally
20 have resided within the district itself for the six months.

21 Now, recognizing that reapportionment and

1 redistricting is going to cause an continue to cause hard-
2 ships, a provision was added to try to take care of those who
3 found themselves districted out of their old seat, or
4 districted out of their old district if one were not an
5 incumbent but merely one who sought office following
6 a redistricting, and what the Committee agreed upon was the
7 compromise that if after redistricting one finds that
8 one's old district is gone, and you no longer are in it
9 that you have the option of running either in a new district
10 in which you find yourself or in your old district, or
11 a portion thereof, if that old district or portion contains
12 50 per cent of the population of the old district.

13 Now, this does not take care of all the inequities
14 because if the old district is divided into three even
15 parts then there is 33 and 1/3 per cent spread around.
16 You don't have the option. If it is divided into four
17 equal parts, and there is 25 per cent spread, you don't
18 have the option because there is no former place of abode,
19 so to speak, for your office-seeking purposes, which con-
20 tains 50 per cent of your old district, but by and large
21 it was thought impossible in the Constitution to go into the

1 minutiae and detail to the point where you could guarantee
2 everyone who was discomodod as a result of redistricting
3 and had opportunity to run in more than one district so
4 under some circumstances, and perhaps ideally it may
5 represent 90 per cent of the time, if one finds one's self
6 in a new district, one would have the choice between run-
7 ning in that new district or your old district, providing
8 that it has at least 50 per cent of the population of the
9 old district.

10 By the way, it was the problem with respect to
11 redistricting and reapportionment which caused the Legis-
12 lative Committee to veer away from any serious consider-
13 ation of staggered terms. In actuality, the suggestion
14 of staggered terms met with a great deal of appeal to the
15 members of the Committee on the Legislative Branch, but the
16 practical difficulties in deciding who gets staggered
17 out and who gets staggered in, after every ten years, was
18 just too much to try to overcome. Consequently, we, as you
19 see later in the report, decided to go with four-year
20 terms in both the House and the Senate.

21 Turning now to Section 3.06, the election of

1 legislators, a member of the General Assembly shall be
2 elected by the qualified voters of the legislative district
3 from which he seeks election to serve for a term of four
4 years, beginning on the second Wednesday of December fol-
5 lowing his election.

6 As I made allusion earlier, it had been the
7 practice in Maryland for many years to stagger the Senate
8 terms. We also had had some experience with two-year House
9 terms, but we have found in the little over the decade
10 that we had the four-year term that it has served quite
11 well in both the House and the Senate. One of the great
12 difficulties in imposing a two-year term upon the lower
13 House or any house as far as that is concerned is that the
14 members are always running for reelection, as is the case
15 with the Congressmen of the United States in the House of
16 Representatives so the Committee felt that there should be
17 some period of time during which members of the General
18 Assembly should not have to worry about the business of
19 campaigning, and the four-year term for both House and
20 Senate was adopted. It seemed quite attractive. I might
21 say that Maryland shares the distinction of using the

1 four-year term for both Houses, only with three other
2 States of the Union.

3 An examination of the Constitutions of the other
4 forty-nine States would now indicate that nowhere is there
5 a six-year term comparable to the Federal Chamber of the
6 National Congress.

7 Another change from the present Constitution con-
8 tained in Section 3.06 is the fact that the term commences
9 at a different time. Under the present Constitution the
10 term commences from the day of one's election. The
11 Committee felt that because of the uncertainties and
12 vagaries that arose with respect to certification, recount,
13 official canvass, and challenge, that it is somewhat un-
14 realistic to have a term commence immediately with the
15 day of election, tie votes and things of that nature and
16 it thought it a much more appropriate practice to begin the
17 term from four to five weeks after the election, and you
18 will note, therefore, that we used the second Wednesday
19 of December following the election as the commencement of
20 the term.

21 We were anxious to stay away from the holidays;

1 the closer one got to Christmas and New Year, the less
2 likelihood that the organization session, which is men-
3 tioned earlier, could be taken advantage of, and so con-
4 sequently, we decided upon the second Wednesday of Decem-
5 ber following the election.

6 Turning now to legislative sessions, I should
7 say that this probably was the area where we had the great-
8 est stalemate in the Committee. It is important, I think,
9 to be precise about the meaning of terminology. There was
10 considerable argument for what is popularly termed
11 continuous sessions of the General Assembly, rather than
12 following the draft of the seventy-day session with a
13 thirty-day extension under stipulated circumstances, or
14 the present practice here in the General Assembly. There
15 was a large body of committee members who felt that
16 it is rather impossible in 1967 to look forward even five,
17 ten, fifteen or twenty years and to say with any degree of
18 certainty how many days a year the General Assembly would
19 have to be in session in order to be an effective legisla-
20 ture.

21 If one recognizes that within a short period

1 of time the budget alone, I think, scarcely within the
2 span of a single decade, has gone from \$146 million to
3 over \$1 billion a year, the sheer workload of going
4 through the budget alone is enough to presume against
5 trying to set a definite limit upon the meeting time of
6 the General Assembly.

7 The argument to the contrary was this: That
8 the General Assembly, being composed of human beings, would
9 be prone to procrastination and that if the General
10 Assembly did not have some particular deadline to which it
11 would address itself and its schedule, that it would never
12 come to an end.

13 This was an argument which was made by a
14 substantial number of legislators themselves, who feel
15 that the deadline was necessary, but the problem arose,
16 not in recognizing the principle, but in applying the
17 principle, coming up with a sufficient number of days.
18 The argument was made, why should the legislature be res-
19 tricted by a ninety-day session or a seventy-day session;
20 why make it an involuntary part-time body? How can you
21 possibly hope to strengthen it to put it on a par with the

1 Executive and Judiciary Branches of Government, which meet
2 consistently throughout the year? There was no part-time
3 Governor, there is no part-time judicial system. These
4 systems, and these other two branches of the Government have
5 within themselves, and do in fact, work throughout the entire
6 year, and if the idea was to upgrade the legislature,
7 shackling it and manacling it with specific time limita-
8 tions seemed most unwise.

1 Consequently, the Committee adopted the
2 following compromise: The General Assembly shall meet
3 up to a period of 90 days, may extend itself for an addi-
4 tional period of 30 days by a majority vote, and by a three-
5 fifths vote may extend itself an additional 30 days, so
6 that there exists within the framework of section 3.12
7 the possibility that a General Assembly may go 150 calendar
8 days.

9 The compromise seemed to provide sufficient time
10 for not only the foreseeable future, but the remote future
11 as well, and those members of the Committee who had
12 opted to give the General Assembly the power to determine
13 its own length of sessions agreed, or a portion of them
14 agreed to the point where we were able to obtain a
15 sufficient majority to make it a Committee recommendation.

16 Reading the precise language of 3.12, "The
17 General Assembly may provide by law for an organization
18 session prior to the convening of the regular session;
19 the General Assembly shall convene in regular session on
20 the third Wednesday of January of each year, unless other-
21 wise prescribed by law, and may continue in session for a

1 period not longer than 90 days, provided that by the affirma-
2 tive vote of a majority of the members of each house a
3 session may be extended for a period not longer than 30
4 days, and that by the affirmative vote of three-fifths
5 of the members of each house a session may be extended
6 a second time for a period not longer than 30 days.

7 The Governor may convene a special session of the General
8 Assembly at any time, and must convene a special session
9 upon the written request of three-fifths of all the
10 members of each house. The Presiding Officer of the
11 House of Delegates and the Presiding Officer of the Senate,
12 acting concurrently, may convene a special session of
13 the General Assembly at any time."

14 I have already discussed the 90-30-30 compro-
15 mise. I point out to you that at the outset of section
16 3.12 we provide fo r the first time for an organization
17 session prior to the convening of the regular session.

18 The purpose of this session is one which
19 members of the legislature have desired to have for
20 quite some time. The idea, of course, would be that the
21 legislature would meet, it would elect its presiding

1 officers, it could accept bills which had been filed, it
2 could form committees, and there could be a referral of
3 bills to the various committees.

4 Now, the Committee was, itself, that is, the
5 Committee on the Legislative Branch was mindful of the fact
6 that if you didn't have an organization session distinguished
7 from a regular session, that the effect of meeting in an
8 organization session, which ideally would probably take
9 place sometime in December, might trigger the running of
10 the 90 days, and so consequently the Committee felt that
11 it would specifically provide for an organization special
12 session to take care of the details of getting the legis-
13 lature cranked up and geared to go, without beginning
14 to commence the regular session and the running of the
15 regular initial period, which presumably would be 90 days.

16 There are other States of the Union, Florida
17 and Alabama, which also use the organization session techni-
18 que. I might also point out that the session, of course,
19 is an annual session. We have moved over the past 10 to 15
20 years from biennial sessions to annual sessions. At one
21 time we had a 90 day session one year, followed by a 30 day

1 session the following year. The 30 day session presumably
2 was to take care of budget matters, emergency legislation,
3 and matters pertaining to the general welfare. This
4 presented such great problems, however, that the General
5 Assembly ultimately moved to regular 70 day annual sessions.

6 Twenty-one States of the States of the Union
7 meet annually, and there is a great movement in the
8 direction of annual meetings.

9 I might also say that 43 States of the Union
10 begin their regular sessions in January, as has been sug-
11 gested in 3.12.

12 Now, it may be quite true that the reason for
13 commencement of sessions in January had something to do
14 with the harvesting of crops and the availability of the
15 farmers when the State was primarily a rural State, rather
16 than moving in the direction of an urban State; but never-
17 theless, the January time is ideal from many points of
18 view. The fiscal year is built around this particular
19 meeting time, and consequently the Committee felt that
20 we should continue to provide for the regular meeting
21 the third Wednesday of January, although you may see

1 there is an escape clause here because it is specifically
2 provided, unless otherwise prescribed by law, so the
3 General Assembly could designate another time other
4 than that stated in the Constitution if it so desired.

5 I might point out with respect to the so-called
6 self-determination of length of session that the
7 1851 Constitution of Maryland did not set a limitation
8 upon the length of time which the General Assembly would
9 use in meeting. However, the 1867 as well as the 1864
10 Constitution did place a limitation.

11 With respect to special sessions, I think it
12 is significant to say and to note that Maryland, together
13 with California and Alabama, has had over the period of
14 the last decade more special sessions of the General Assembly
15 than any of the other 47 States of the Union, so that
16 we have not hesitated to use the special session.

17 Those who argue for allowing the legislature
18 to set its own meeting time of course point to the fre-
19 quency of the use of special sessions as an argument which
20 would buttress their point of view.

21 We also made a significant change in how the

1 special session is convened. We now provide that not only
2 may the Governor call a special session, but the presid-
3 ing officers of both the House and the Senate may like-
4 wise do so, acting concurrently, and finally, the legisla-
5 ture, itself, by a three-fifths written request, may re-
6 quire that it be convoked by the Governor into session; so
7 there are three avenues, therefore, of special sessions.

8 We use the three-fifths rather than the majority
9 because we felt that three-fifths would guarantee that
10 if there were a special session, at least there would be
11 some reasonable likelihood that the matter which brought
12 the House and Senate together would be acted upon in an
13 appropriate, affirmative fashion, whereas one took a risk
14 with the majority vote for the self-convening, that there
15 might not be enough votes when they finally arrived to
16 accomplish whatever good was intended by the call of the
17 special session.

18 With respect to putting the power into the hands
19 of the President of the Senate and the Speaker of the House
20 to convene the General Assembly concurrently, we felt that
21 these men were responsible enough not to call such a session

1 on whims or fancy or some light reason, but would only
2 do so provided they felt that there was an opportunity
3 to accomplish something positive and there was some genuine
4 need which had to be acted upon immediately.

5 Because of the difficulty in gearing up and
6 getting staffs together, which we realize, we believe that
7 no special session of the General Assembly would be
8 called except for a good reason.

9 It is interesting to note, I think, that 15
10 other States of the Union allow the General Assembly
11 to convoke itself into special session.

12 Turning now to the last section of the Committee
13 Report on compensation of legislators, reading the language,
14 "The members of the General Assembly shall receive such
15 salary and allowances as may be prescribed by law. In-
16 creases in salary shall not apply to the General Assembly
17 which enacted them. No Senator or Delegate shall be paid
18 daily living expenses during regular session of the General
19 Assembly."

20 The effect of this proposed new Constitutional
21 section is to remove from the Maryland Constitution the

1 statement of the explicit dollars that members of the legis-
2 lature are to be paid. As you know, the present Constitu-
3 tion calls for the payment of \$2,400 per year. If you
4 examine earlier versions of the Constitution, you will find
5 that some times the figure was set at \$5.00 per day, and
6 various formulas were used. But it has long since been
7 recognized that it is unrealistic and poor Constitutional
8 practice to place the salary in a Constitution, because
9 the dollar value, the purchasing power of the dollar in
10 1967 is far different from what it is in 1867, and since
11 one finds it extremely difficult to amend the Constitution
12 to take care of inflation and rises and falls in the market,
13 and also to take care of the increase in duties and the
14 correspondingly greater salary which would be paid, the
15 idea and the practice of putting the dollar amount in the
16 Constitution simply had to be set aside.

17 I think a good example of this practice and
18 its lack of wisdom is the Governor's salary, which was
19 set at \$4,500 under the Constitution of 1867, and that
20 figure persisted until 1950.

21 Now, the result of putting the dollar figure

1 in the Constitution has led to a variety of practices to
2 compensate office holders in means other than by salary.
3 Consequently, we have today in the General Assembly
4 the practice of paying per diem living expenses, which
5 amount to \$25.00 a day or \$1,750 a year. If you add this
6 \$1,750 a year, which I believe is adopted by rule of the
7 House and Senate, to the dollar figure contained in the
8 Constitution as classified salary, you will see that the
9 actual compensation to the members of the General Assembly
10 is not the \$2,400 listed explicitly in the Constitution,
11 but \$4,100.

12 It was the feeling of the Committee on the
13 Legislative Branch that the salaries should be realistic
14 ones, and should not allow for the providing of the daily
15 expense figure, and consequently we have specifically
16 prohibited the payment in the daily expenses during the
17 regular session of the General Assembly.

18 We have recommended that the salary of the
19 members of the General Assembly be set at \$8,000 per year.
20 This figure is not contained in the Constitution. The
21 Committee has voted to provide that the \$8,000

1 annual salary shall be provided in the schedule of
2 transitory legislation, which was authorized under section
3 17 of the Enabling Act calling this Convention. Under the
4 particular provisions of that section, the Constitutional
5 Convention is authorized to prepare legislation in the
6 form of public general laws, which it believes should take
7 effect immediately and which should take care of pressing
8 difficulties and problems.

9 Now, if the new Constitution is adopted, it will,
10 of course, have the effect of doing away completely with the
11 old Constitution, but in doing away with the old Constitution,
12 the \$2,400 salary explicitly provided therein is eliminated,
13 so that upon the adoption of the new Constitution there will
14 be no salary available for members of the General Assembly
15 because its one source of authorization will have
16 fallen as a result of the substitution of the new Constitu-
17 tion.

18 We, therefore, have recommended the figure of
19 \$8,000 per year, which we hasten to point out is not
20 three and a half times what the General Assembly is
21 presently receiving, but is less than twice what it is

1 **presently receiving.**

2 We have arrived at the figure of \$8,000, and I
3 believe and the members of the Committee believe, conserva-
4 tively, based upon very detailed sifting of the duties of
5 the members of the General Assembly. We believe that the
6 off-session Committee work, as well as the 70 day work
7 which is presently performed by the General Assembly takes
8 up so much time of some of the Delegates that although
9 we may be reluctant to classify the General Assembly of
10 Maryland as a full time legislature, that nevertheless it
11 approaches full time service to the people of Maryland in
12 the amount of time that is devoted to the business of this
13 State and to the business of the General Assembly.

14 Now, it may well be true that in past times it
15 has been difficult to have the voters increase the Consti-
16 tutionally authorized salary, but the Committee believes
17 that part of the reason lies in the fact that the general
18 public is not aware of the vast amount of time and sacri-
19 fice that goes into being a member of the General Assembly.
20 An examination of the salaries paid in other States will
21 indicate that in recommending a figure of \$8,000, we err

1 only on the conservative side.

2 It may always be that there may be some indi-
3 viduals who do not deserve the full amount, but be that as
4 it may, we believe that by and large, on the basis of the
5 testimony that we have heard, that the vast majority of the
6 members of the General Assembly are entitled to a substan-
7 tial increase in wages, and we believe that not only will
8 it help attract valuable and capable people to public
9 office, but also it will retain in the General Assembly of
10 Maryland men who have made considerable dollar sacrifices
11 over the years in order to perform public service.

12 We believe, therefore, that the \$8,000 figure
13 is one which certainly ought to be a floor.

14 Now, after the adoption of the Constitution,
15 assuming the favorable action on the transitory legisla-
16 tion by this Convention, thereafter the General Assembly
17 itself may vary the salary, but no increase in salary shall
18 take effect for those members of the legislature and that
19 particular General Assembly which voted for it.

20 In other words, when a salary increase is
21 enacted, those people who vote for it will not have the

1 benefit of it, unless and until they stand for election
2 and are reelected, at which time they return as a new
3 General Assembly and shall be entitled to the increase;
4 so that you have the opportunity on the part of the public
5 for it to demonstrate by the way it selects or fails to
6 select those who return to the General Assembly what their
7 reactions may be with respect to the salary increase.

8 We have only provided that there be no living
9 expenses during the regular sessions of the General Assembly.
10 This does not prohibit off regular session payments for
11 committee work, per diem expenses for meetings of the
12 special sessions of the General Assembly. All this does
13 is to guarantee, if adopted, that while the General Assembly
14 itself is in regular session, there shall not be per diem
15 payments.

16 This probably will act to some degree as a
17 restraining influence upon those who might be tempted to
18 vote for a continuation of the 90 day session for another
19 30 or a second 30 days, simply on the enticement of the
20 additional \$25.00 per day. Consequently, the meeting of
21 the regular session will not be accompanied by this

1 additional payment.

2 Now, I should like to say one word about
3 pensions. The General Assembly has created a pension
4 system which is more favorable to itself than to the
5 other State employees. However, I should point out that
6 the 15 percent contribution which is required on the part
7 of the members of the General Assembly is the second highest
8 in the nation of all those States in the Union which
9 provide for pensions for members of the legislature, and
10 those States are in the vast majority.

11 Now, in the ordinary course of events, one
12 retires voluntarily from one's position. That, however,
13 as so many in this room could testify to, is not the case
14 with those who hold public office. One has not the utmost
15 control over whether one continues or fails to continue
16 in the General Assembly. There is a higher non-parenthetical
17 power known as the electorate that takes care of that
18 particular matter. Consequently, the risk involved in hold-
19 ing public office and the risk in setting oneself up for
20 reelection means that a member of the General Assembly is
21 in a different kind of category than the regular State

1 employee. He may under the present system be entitled
2 to, and is entitled to, some pension benefits at the
3 end of eight years.

4 Now, the Committee recognized, having heard
5 testimony, that the pension system was indeed quite gene-
6 rous. It recognized that the increase of the salary to
7 \$8,000 would have a corresponding increase in the impact
8 of the beneficial aspects of the pensions upon the
9 members of the General Assembly. Consequently the Committee
10 authorized the writing to the Speaker of the House and the
11 President of the Senate to request that it review the pen-
12 sion arrangements of the General Assembly, and I am told
13 that the Legislative Committee has met and has decided to
14 recommend a review of the present pension arrangements.

15 We did not feel it was our duty, and certainly
16 it was beyond the scope of our knowledge, to get into
17 attempts to change the pension system, because this would
18 have involved an exploration into acturaial areas which
19 would have consumed far more time than our Committee could
20 have possibly allotted to it.

21 We believe that the question should be, how

1 much salary should the General Assembly be paid in good
2 faith, and rightly, because of the work that the General
3 Assembly does and the amount of time that it devotes to
4 the office.

5 We have concluded what the figure should be,
6 and we believe that the matter of the pension should be
7 taken care of, if taken care of at all, by the General
8 Assembly itself.

9 Ladies and gentlemen, that completes the presen-
10 tation of the Committee report. I reiterate once again
11 that the majorities which were gathered together for the
12 approval of this report did so when considering the
13 various sections as a package, and consequently the elimi-
14 nation of sections of this report or considerable varia-
15 tions therefrom would have, I am certain, produced a
16 different opinion in the Committee.

17 With that, I thank you for your kind attention.

18 THE CHAIRMAN: Thank you, Delegate Gallagher.

19 (Applause.)

20 THE CHAIRMAN: There being no provision in the
21 debate schedule for general debate, we now proceed to a

1 section-by-section consideration of Committee Recommendation
2 No. LB-1.

3 The first section for consideration is section
4 3.01. The Chair recognizes Delegate Hanson to present the
5 minority report, LB-1A.

6 I am very sorry. Before we proceed to a
7 consideration of that, there should be an opportunity for
8 questions to the Committee Chairman.

9 Are there any questions to the Chairman for
10 purposes of clarification?

11 Delegate Marvin Smith.

12 DELEGATE M. SMITH: Mr. Chairman, I wonder
13 if the Committee gave consideration to the amount of travel
14 time that a delegate should be allotted, the distance from
15 his constituents?

16 THE CHAIRMAN: Delegate Gallagher?

17 DELEGATE GALLAGHER: Yes. At one time the
18 Committee considered prohibiting the payment of travel
19 expenses during regular sessions of the General Assembly.
20 However, we eliminated the prohibition against it and we
21 construe the prohibition against daily living expenses

1 as not prohibiting the payment for travel.

2 DELEGATE M. SMITH: You and I are not in the same
3 boat. I am concerned about the distance that a delegate
4 may be located from the ends of his district. Did you
5 give consideration to that, sir?

6 DELEGATE GALLAGHER: The Committee recognized
7 that the geographical confines of the districts were very
8 great, but we did not attempt to act upon it in any way.
9 The General Assembly would not be prohibited from
10 compensating those legislators who have these large areas
11 to travel by some special arrangement or allotment
12 or general appropriation.

13 THE CHAIRMAN: Delegate Smith.

14 DELEGATE M. SMITH: With my question I am not
15 so much concerned, sir, with reference to the compensation
16 to the legislator as I am my ability as a constituent
17 to contact my legislator.

18 Now, did you give any consideration to that,
19 sir?

20 THE CHAIRMAN: Delegate Smith, I think
21 your question wasn't too clear. If you would pinpoint it

1 with reference to the section of the Committee Recommenda-
2 tion which you are concerned about --

3 DELEGATE SMITH: I am specifically concerned
4 with the setup of the General Assembly that would limit the
5 number of delegates to 105.

6 DELEGATE GALLAGHER: Yes. The Committee did
7 consider it. The Committee recognized the fact, however,
8 that representation is based upon population, not upon
9 trees, or acres. Consequently, we had to live within
10 the existing rule.

11 THE CHAIRMAN: Delegate Smith.

12 DELEGATE M. SMITH: May I ask one other
13 question?

14 In your consideration of other legislative
15 bodies, did you find that they might have given in to
16 monotony and have maybe four or five substantive committees,
17 and as a consequence they might have been able to operate
18 with a bit larger size?

19 DELEGATE GALLAGHER: Certainly that possibility
20 exists. However, we looked at what the senate had done in
21 recent times by creating the new Committee on Economic

1 Development and divided itself into three significant
2 committees, and we felt that there was a likelihood
3 that the house could do the same thing. Now, the
4 report suggests five areas.

5 THE CHAIRMAN: Are there any further questions
6 for purposes of clarification?

7 Delegate Sickles.

8 DELEGATE SICKLES: Mr. Chairman, I would like
9 to ask a question about section 3.05, just a point of
10 clarification. I wonder about the residency requirement.
11 I believe that I understand the exception as you explained
12 it with respect to the neighboring senate district. The
13 thrust of my question is, once a senator or delegate has
14 been elected, must he continue to live in his district?
15 That is question number one; and while you are answering
16 that one, also answer the question with respect to the
17 exception: If he runs in a district in which he does
18 not reside, must he then move into that district?

19 DELEGATE GALLAGHER: Answering your second
20 question, I think the answer is yes, that under the inter-
21 pretation he should move into the district because of the

1 time limitation. It says, if, however, the district has
2 been redistricted within one year, I think he would have
3 that option within one year following the change in the
4 district. If he wanted to change from that district I
5 believe he would be required to change to the district
6 if he were not physically located in it.

7 Then there is a second question.

8 THE CHAIRMAN: Delegate Sickles, can you restate
9 your question?

10 DELEGATE SICKLES: The original question, is
11 there a requirement that he continue to reside in the
12 district from which he is elected?

13 DELEGATE GALLAGHER: I don't read such require-
14 ment, only at the time of his election.

15 THE CHAIRMAN: Delegate Hickman.

16 DELEGATE HICKMAN: Referring to section 3.05,
17 Delegate Gallagher, is there anything in there which
18 would preclude one person from running for all three
19 delegacies?

20 DELEGATE GALLAGHER: I don't see anything in
21 the Constitution which would prohibit that, no.

1 DELEGATE HICKMAN: And then nothing prohibits
2 his winning in all three and being elected and representing
3 all three?
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1 DELEGATE GALLAGHER: I think my response to that
2 is that the Constitution does not set forth in detail the
3 suffrage and election laws, but would expect the General
4 Assembly to implement them.

5 DELEGATE HICKMAN: According to the Constitution
6 as it is now presented to us, one person could represent
7 three delegate districts in the House of Delegates?

8 DELEGATE GALLAGHER: I would say that it is
9 theoretically possible, but I would further suggest that
10 if this Constitution is adopted that the General Assembly
11 would set up an orderly system of determining options.

12 THE CHAIRMAN: Any further questions, Delegate
13 Hickman?

14 DELEGATE HICKMAN: Delegate Gallagher, I see
15 nothing which states that this may be done by law.

16 DELEGATE GALLAGHER: There is another section
17 which I believe is forthcoming with respect to holding
18 one office of profit and trust. One of the difficulties
19 I think in taking the sections piecemeal is that we do not
20 have before us some complementary legislation, constitutional
21 provisions which would take care of these things.

1 THE CHAIRMAN: May I interject to say that one of
2 the other committees which has not yet reported has
3 indicated that it has under consideration a section which
4 generally prohibits the holding of more than one office
5 of profit or trust.

6 Delegate Hickman?

7 DELEGATE HICKMAN: I understand, Mr. Chairman,
8 but it still would not preclude a person from running
9 in three different districts?

10 THE CHAIRMAN: Delegate Gallagher, can you answer
11 the question?

12 DELEGATE GALLAGHER: I do not see any specific
13 prohibition.

14 The purpose of 3.05 is to set up the affirmative
15 possibilities, not to take care of the possible abuses.
16 I would repeat that I believe that implementing legislation,
17 if not the Constitutional provision that I have referred to,
18 could handle this problem.

19 We did not seek to get into considerable detail.

20 THE CHAIRMAN: Delegate Dorsey?

21 DELEGATE DORSEY: Mr. Chairman, is there anything

1 in the majority report or that is forthcoming from another
2 committee that would prohibit the legislature from increasing
3 items in the budget?

4 DELEGATE GALLAGHER: I am not in position to
5 speak for State Finance and Taxation, but as I understand
6 what is going on, the committee, through its chairman, has
7 expressed some opposition to allowing the General Assembly
8 to increase the executive budget.

9 THE CHAIRMAN: I might state that all matters
10 pertaining to the budget have been referred to the Committee
11 on State Finance and Taxation. It has not yet filed its
12 report on that subject.

13 DELEGATE DORSEY: In the old Constitution, the
14 legislature was specifically prohibited--

15 THE CHAIRMAN: Delegate Dorsey, this period is only
16 for questions --

17 DELEGATE DORSEY: I am trying to ask him a question.

18 THE CHAIRMAN: -- with respect to these sections
19 of the report.

20 DELEGATE DORSEY: As this report stands, there
21 is nothing to prohibit the legislature from increasing

1 any item it wanted in the budget; isn't that correct?

2 DELEGATE GALLAGHER: May I say to the Delegate
3 that this is not the complete report of our committee. This
4 is the principal structure report. I might also say that
5 in the present Constitution, there are 61 sections that
6 pertain to Article III, and in the preparation of the new
7 draft, a great deal of this material falls in the province
8 of other committees.

9 DELEGATE DORSEY: Do you know if there will
10 be any other report from a committee that will prohibit the
11 state from lending the full faith and credit of the State
12 to public authority?

13 THE CHAIRMAN: I will refer that question of
14 Delegate Sherbow, Chairman of the Committee on State Finance
15 and Taxation, since that committee has that matter.

16 DELEGATE SHERBOW: Delegate Dorsey, each of the
17 points that you have raised will be covered by the Report
18 of the Committee on State Finance and Taxation, and covered
19 fully and completely.

20 THE CHAIRMAN: Any further questions?

21 Delegate Mason.

1 DELEGATE MASON: Mr. Chairman, on page 8
2 of your Memorandum, it reads as follows:

3 The Committee has tentatively agreed that the
4 35-105 membership limitation and the single-member district
5 shall not be applied to the present General Assembly. The
6 Committee intends for these changes to be applied to the
7 first legislature elected following the 1970 reapportionment.

8 My question is, when will this become operative?

9 DELEGATE GALLAGHER: If there is no change in the
10 schedule of state-wide elections, the next election for
11 the General Assembly will occur in 1970.

12 At that time, however, on the basis of information
13 which we have, there will not be in our hands sufficient
14 data from the Federal Census Bureau to apportion or reappor-
15 tion the General Assembly, based on the 1970 figures, so
16 therefore, presuming no change in the elections scheduled,
17 the first General Assembly that this limitation can apply
18 to will be that General Assembly which was elected in 1974.

19 DELEGATE MASON: Thank you.

20 THE CHAIRMAN: Any further questions?

21 Delegate Case?

1 DELEGATE CASE: Mr. Chairman, on page -- the first
2 page of your memorandum supporting Section 3.01, you
3 give some statistics showing the number of bills that were
4 either amended or defeated in one House after passing the
5 other, and I am wondering whether you could tell us what
6 percentage of these bills were local bills and what
7 percentage were general legislation.

8 DELEGATE GALLAGHER: Yes.

9 If you will look in the Minority Report, LB-1,
10 you will find that it has given you the precise percentages.

11 THE CHAIRMAN: LB-1(A)?

12 DELEGATE GALLAGHER: LB-1(A), Mr. Chairman.

13 Page 6.

14 DELEGATE CASE: One further question, Mr.
15 Chairman.

16 On page 9 of your report, there is a breakdown
17 between the Senate and House showing how the proposed
18 plan of the committee would work. Am I correct so far
19 in interpreting that chart?

20 DELEGATE GALLAGHER: Worcester County under
21 the Senate should not read one-half; it should read one-

1 fifth.

2 DELEGATE CASE: I wonder if you would explain
3 to me, because this mystifies me a little bit, just
4 precisely how this would work.

5 DELEGATE GALLAGHER: Well, of course, the Consti-
6 tution does not seek to do the redistricting. All we have
7 done in this report is to take the 35-105 figures, determine
8 what the state population would be per one-thirty-fifth
9 and one-one hundred and fifth, and on the basis of
10 35-105 allocate the House and Senate seats on a per county
11 or political subdivision basis.

12 DELEGATE CASE: Obviously this does not mean
13 that Calvert County will have one-fifth of the Senate.

14 DELEGATE GALLAGHER: No.

15 DELEGATE CASE: That would be pretty hard to do.

16 DELEGATE GALLAGHER: Yes.

17 DELEGATE CASE: Even in Calvert County.

18 DELEGATE GALLAGHER: The mathematicians would
19 be required to put together districts which would assumedly
20 have one full House district, and then having three of
21 those, the corresponding Senate district.

1 THE CHAIRMAN: Delegate Case?

2 DELEGATE CASE: So that the plan does envision
3 an ultimate obliteration of county and city lines, is
4 this correct?

5 DELEGATE GALLAGHER: The plan no more envisions
6 the obliteration of existing county or city lines than
7 it had to. It is not the intention to remove the county
8 boundaries or the city boundaries. It merely attempts to
9 conform with the Constitutional mandate of the Supreme
10 Court, there be one man, one vote, and while we would have
11 been delighted had we been able to find a way to provide
12 one vote per county, it was not possible practically because
13 of the reason which I mentioned before lunch.

14 THE CHAIRMAN: Delegate Case?

15 DELEGATE CASE: So that this would be the ultimate
16 result?

17 DELEGATE GALLAGHER: The ultimate result would not
18 be the obliteration of county or city lines. It would merely
19 be for the purposes of representation in the General
20 Assembly, a carrying over in some areas.

21 Now, under the reapportionment section, which
is not in here yet, the committee will say that

1 political subdivision lines and natural and geographical
2 barriers should be followed as closely as possible in
3 determining the redistricted areas.

4 THE CHAIRMAN: Delegate Case?

5 DELEGATE CASE: Can you give us any county or
6 the City of Baltimore, if it is true in the city, where
7 the lines would not in at least one case be obliterated
8 for this purpose, and everything I am saying is of course
9 for this purpose.

10 DELEGATE GALLAGHER: We did not believe that we
11 were required or should undertake the business of doing
12 the districting. This is precisely the power which we
13 believe belongs elsewhere in the General Assembly under the
14 plan that we come in with but if we attempt to work backwards,
15 pick the plan and then write the Constitutional provision,
16 we could never find a satisfactory plan.

17 THE CHAIRMAN: Delegate Fox?

18 DELEGATE CASE: Mr. Chairman.

19 THE CHAIRMAN: Delegate Case, pardon.

20 DELEGATE CASE: I suggest the Chairman did
21 not answer my question.

1 THE CHAIRMAN: He deemed it to be an answer,
2 I take it.

3 DELEGATE CASE: The question was, and I will
4 repeat it, can you tell us or give us any county or the
5 City which would not have its lines obliterated for these
6 purposes in at least one instance.

7 DELEGATE GALLAGHER: I do not like "obliteration"
8 but if we agree, we are not using that term. I will say
9 that it would be possible for me to draw a redistricting plan
10 which would accomplish the non-obliteration of at least
11 one county or one city district.

12 THE CHAIRMAN: Delegate Fox.

13 DELEGATE FOX: Mr. Chairman, looking at page 2
14 of the committee's recommendation, the latter part of
15 Section 3.04, the top of page 2, line 2, where it says
16 each delegate shall represent one delegate district and each
17 senator shall represent one Senate district, would that
18 not prevent a delegate from being elected in more than
19 one delegate district?

20 DELEGATE GALLAGHER: I would say it would have
21 that felicitous effect.

1 THE CHAIRMAN: Are there any further questions,
2 Delegate Scanlan?

3 DELEGATE SCANLAN: Chairman Gallagher, I
4 think the answer to this is clear, but I think the committee
5 was clear on it, but you did not touch upon it because
6 you had more important matters to cover.

7 It says in 3.01, the legislative power of the
8 state is vested in the General Assembly. That is basically
9 the same language from the Commission draft. That
10 language is not present in the present Constitution, but
11 the Court of Appeals of Maryland has held that the General
12 Assembly of Maryland has plenary legislative power. Was
13 it the intention of the committee to preserve that construc-
14 tion of the powers of the General Assembly?

15 DELEGATE GALLAGHER: With the acquiescence of
16 the Committee on Local Government, the answer is yes.

17 THE CHAIRMAN: Delegate Wagandt?

18 DELEGATE WAGANDT: In Section 3.12, Delegate
19 Gallagher, is there any intention to limit the length
20 of a special session?

21 DELEGATE WAGANDT: No, there is not. In the

1 present Constitution, I believe it may go to the length
2 of 30 days. We did not provide the limitation on the length
3 of the special session.

4 THE CHAIRMAN: Delegate Chabot?

5 DELEGATE CHABOT: I would like to advert to the
6 language referred to by Delegate Scanlan. The Court of
7 Appeals has held that under the present language, the
8 General Assembly is not permitted to refer on its own motion
9 general public laws to referendum; that this would be
10 an improper delegation of the legislative power.

11 Is it your understanding that this language would
12 continue that interpretation?

13 DELEGATE GALLAGHER: I have not had as yet
14 an opportunity to study the referendum language from the
15 Committee on Suffrage and Elections but I do not believe
16 this intends to make a change in that.

17 THE CHAIRMAN: Delegate Chabot?

18 DELEGATE CHABOT: As to Section 3.05, the language
19 is used, to be eligible as a senator or delegate, a person
20 shall be a qualified voter.

21 By this do I take it, since there has been

1 some discussion on that point in the Suffrage and
2 Elections Committee, that if registration is one of the
3 matters needed to qualify to vote, then the person must
4 have been registered to vote?

5 DELEGATE GALLAGHER: Yes. I would believe that to be
6 the interpretation.

7 THE CHAIRMAN: Delegate Chabot?

8 DELEGATE CHABOT: Sections 3.06 and 3.12 would
9 make significant changes -- well, 3.12 a significant change,
10 and 3.06 a small change with regard to the legislature.

11 Is it intended that those sections would take
12 effect with regard to the present legislature?

13 DELEGATE GALLAGHER: Yes, it would.

14 THE CHAIRMAN: Delegate Hardwicke?

15 DELEGATE GALLAGHER: Of course, there would
16 be no organization session in the ordinary sense of the
17 word as far as I can see.

18 DELEGATE HARDWICKE: Mr. Chairman, the question
19 that I have relates to the interdependence of the various
20 features of the committee's report, and specifically I
21 would like to have a comment on whether the committee would
have felt the same way about bicameralism if all of the

1 features of reform that you envision were not adopted.

2 In other words, may I ask you whether or not the recommenda-
3 tion for bicameralism is not predicated upon, first,
4 your recommendation that the size of both Houses be
5 decreased, and second, the belief that if you have the new
6 legislature, it will reform itself to some extent by spread-
7 ing the committee load, et cetera, and I suppose to pin-
8 point this question, may I ask you, sir, whether or not if
9 these reforms are not adopted, or if we do not reduce the
10 size considerably, is your committee still in favor of bi-
11 cameralism?

12 THE CHAIRMAN: Delegate Gallagher?

13 DELEGATE GALLAGHER: First of all, I want to
14 thank you for characterizing the document as one that
15 seeks reform. I would say to the best of my ability that the
16 committee was in an agreeable frame of mind about bicameralism
17 because of these other features.

18 I would not on any given day, indeed at any
19 given hour, suggest to you what the exact vote on bicameralism
20 or unicameralism would be if some of these significant
21 features were eliminated.

1 I would agree, however, that the majority
2 We did receive was predicated on considering each of
3 these items in their totality.

4 THE CHAIRMAN: Delegate Hardwicke?

5 DELEGATE HARDWICKE: Then, Mr. Chairman, is it
6 possible, if this convention does not go along with the
7 suggestion as to the lower, smaller numbers of these bodies,
8 or with regard to your belief, and it seems to be a firm
9 belief in your report, that the committee system in the
10 House of Delegates would be changed, et cetera, that if this
11 is upset, then is it possible that your committee might
12 change its recommendation with regard to unicameral and
13 bicameralism.

14 DELEGATE GALLAGHER: It might possibly. I
15 don't know that the rules would allow us to do anything
16 significant about that, but we could meet and condemn the
17 document in absentia or something like that.

18 THE CHAIRMAN: Delegate Wheatley?

19 DELEGATE WHEATLEY: Mr. Chairman, just so the
20 record will be clear, am I correct in assuming that whenever
21 the word "day" is used it refers to consecutive calendar

1 days?

2 DELEGATE GALLAGHER: Yes. The days referred to
3 in this Constitution are calendar and not legislative days.

4 DELEGATE WHEATLEY: And they must be consecutive,
5 is that right?

6 DELEGATE GALLAGHER: Yes, as far as regular
7 sessions are concerned, they must be consecutive.

8 THE CHAIRMAN: In other words, to make it
9 clearer, if I understand the question, when reference
10 is made to regular session, 90 days, it means 90 consecutive
11 calendar days?

12 DELEGATE GALLAGHER: That is correct.

13 THE CHAIRMAN: Delegate Gleason?

14 DELEGATE GLEASON: Mr. Chairman, I only rise because
15 several questions have raised questions in my mind with
16 respect to your answer.

17 First of all, has the committee itself ever
18 considered the question, ever taken a vote on the question
19 as to when these various provisions in this paritcular
20 section will take effect?

21 DELEGATE GALLAGHER: The specific discussion

1 that we did have about the possible postponement was
2 only under Section 3.08, if I recall correctly, the question
3 of whether or not an increase in salary would apply to
4 the members of the General Assembly.

5 I think we agreed the answer was yes and we
6 intended it be thus but on the question of the recomposition
7 of the legislature, with 35 and 105, the committee has only
8 discussed the possibility of doing something to provide that
9 that numerical adjustment be made earlier than 1974. I did
10 not mention that, but that is true.

11 DELEGATE GLEASON: I think that is very important,
12 Mr. Chairman, because there has been a vote as far as I am
13 concerned with respect to when this provision will take
14 effect, with respect to the 1970 census, the '74 election,
15 and with respect to the question raised by Mr. Chabot
16 in connection with the 90-30-30 position.

17 DELEGATE GALLAGHER: May I say, Mr. Chairman,
18 the committee considered for example getting an earlier
19 federal census than 1970. We determined it would cost us
20 25 cents per head count, meaning roughly it would cost us
21 \$1 million to get an earlier census than the 1970 census.

1 The committee then considered the possibility
2 of using voter registration as the basis for reapportionment
3 and redistricting, without awaiting a 1970 figure. We also
4 consider the possibility of using voter turnouts as a method
5 of determining reapportionment, so the committee has been
6 struggling with a way to make the changes effective for
7 the General Assembly to be elected in 1970.

8 The committee has discussed the possibility of
9 extending the term of the present General Assembly one year
10 into 1971 by which time the complete census tract figures
11 in their final form would be available, and consequently
12 could be acted upon, presumably allowing the next General
13 Assembly to have a term of three years, so that we would be
14 back on the same four-year schedule; a five-year term, a three-
15 year term and then back to four.

16 The difficulty with the entire situation is this:
17 That four does not divide into ten, except every other
18 ten year period, so we would have a recurring difficulty in
19 1990, 2010, 2030. The committee has not given up trying
20 to find a way to implement its provisions in 1970.

21 THE CHAIRMAN: Delegate Gleason?

1 DELEGATE GLEASON: I think the Chairman has explained
2 my point. Thank you.

3 THE CHAIRMAN: Are there further questions?
4 Delegate Wheatley?

5 DELEGATE WHEATLEY: Mr. Chairman, again on the
6 question I raised, I am not sure I was clear as to the
7 answer. If there was an extension of 30 days or an additional
8 30 days, must these two extensions also run consecutively
9 to the 90 days?

10 DELEGATE GALLAGHER: That is the interpretation.

11 THE CHAIRMAN: Delegate Adkins?

12 DELEGATE ADKINS: Mr. Chairman, I should like to ask
13 a question with relation to the matter of redistricting.

14 I assume that will be presented in a future
15 report? I wonder if the Chairman could just briefly outline
16 the method that they will propose for redistricting,
17 specifically with relation to the point of whether it shall
18 be completely legislative, by commission, by the Executive
19 or a combination of all three.

20 DELEGATE GALLAGHER: Yes. I think I can speak
21 for the section, although there has been no final vote.

1 I think it is the majority will of the committee
2 that some commission be appointed bipartisan in nature
3 which would have the original responsibility of preparing
4 a redistricting plan; to some extent the committee should
5 reflect representatives of the General Assembly.

6 The committee definitely feels that the executive
7 should not have a hand in the preparation of the original
8 recommendations. Once this commission of a bipartisan nature
9 has submitted its recommendations, it shall go to the
10 General Assembly.

11 At this point the General Assembly is free to accept
12 it or to change it. If it does not accept it or change it,
13 it then automatically becomes law. If it is changed, then
14 the General Assembly change becomes law. In the event
15 of a court challenge, the General Assembly plan would be
16 presented first. If that fell as a result of court scrutiny,
17 then the commission plan would follow it as a second line
18 of defense.

19 That is roughly the way the committee is thinking
20 at the time.

21 THE CHAIRMAN: Any further questions of the Chairman

1 of the committee?

2 Delegate Byrnes?

3 DELEGATE BYRNES: Mr. Chairman, referring now to line
4 26 and 28 of page 3 --

5 THE CHAIRMAN: Of the recommendation?

6 DELEGATE BYRNES: -- of the recommendation of
7 the Legislative Branch Committee, was the sole reason of
8 the Committee for Living Expenses this idea of enticement
9 to extend the 30 and then 30 again?

10 DELEGATE GALLAGHER: No. That certainly would have
11 been only some slight by-product but that was not the sole
12 reason. The sole reason was the committee wanted the salary
13 on the table.

14 DELEGATE BYRNES: Is there a possibility in the
15 future, Mr. Chairman, for a confusion to arise between allow-
16 ances and living expenses?

17 I note in the report that living expenses are
18 not delineated.

19 DELEGATE GALLAGHER: It is very difficult, because
20 some people live differently from others.

21 We sought to prohibit per diem expenses. However,

1 those who were enamored of the English language did not
2 want the Latin. That is why we did not use per diem. The
3 idea is to eliminate that practice which is now embodied in
4 the \$25 per day. We did not want to eliminate travel
5 expenses, did not want to eliminate secretarial expenses,
6 postage, stationary or any of the other actual expenses
7 of the delegates. In other words, we would have the salary
8 cover the living expenses.

9 THE CHAIRMAN: Delegate Weidemeyer.

10 DELEGATE WEIDEMEYER: Mr. Chairman, did the
11 committee give consideration to the fact that by extending
12 the term of the present legislature to 1971, and then making
13 the terms of the legislatures thereafter five years each,
14 that we could both be marching to the tune of Washington
15 figures and the edicts of the Supreme Court.

1 DELEGATE GALLAGHER: The Committee found the four-
2 year term attractive. There is a great possibility
3 that the Federal Government will go to a five year census, a
4 quinquennial census rather than a decennial census, and
5 we may eliminate decennial in the redistricting proposal,
6 which is yet to come.

7 THE CHAIRMAN: Delegate Sherbow.

8 DELEGATE SHERBOW: Mr. Chairman, I would
9 like to ask Delegate Gallagher to clarify the latter
10 part of section 3.04. As I understand it, it simply means
11 that each senate district shall have one senator. I have
12 several questions.

13 Doesn't that envisage that that one Senate district
14 may in a number of places encompass more than one county?

15 DELEGATE GALLAGHER: That is correct.

16 DELEGATE SHERBOW: If there are to be three
17 delegates under this proposal from each senate district,
18 it encompasses also the requirement that these three
19 delegates be from that one senate district, which may in
20 turn include more than one county.

21 DELEGATE GALLAGHER: That is correct.

1 DELEGATE SHERBOW: And then since you have
2 it reduced to a separate district for each delegate,
3 the division line there being narrower could be in one
4 county, in two counties, or partly in one county and
5 partly in the other. Isn't that right?

6 DELEGATE GALLAGHER: That is right.

7 DELEGATE SHERBOW: And if there is a proposal that
8 there be three delegates from one senatorial district who
9 run at large, there is no question then that under your
10 plan those three delegates, if they were permitted to run
11 at large, would be running for office from that one sena-
12 torial district, which could be more than one county
13 where those counties are too small to come within the
14 35-105 classification?

15 DELEGATE GALLAGHER: That is correct.

16 DELEGATE SHERBOW: Thank you.

17 THE CHAIRMAN: Delegate Henderson.

18 DELEGATE HENDERSON: I was wondering if the
19 Committee gave any consideration to putting this new plan
20 into effect in 1970 or before that election, based on the
21 1960 figures. It just occurs to me that while that

1 might be a troublesome operation, by putting the new plan
2 into effect to reduce the legislature, it might simplify
3 the transition.

4 DELEGATE GALLAGHER: No, Judge Henderson, it
5 did not, but it certainly is something that we should
6 consider. I don't know whether the malapportionment -- well,
7 it would be so bad that you would find yourself with a
8 suit in 1971, in any event.

9 THE CHAIRMAN: Any further questions?

10 Delegate Chabot.

11 DELEGATE CHABOT: I wonder if the language of
12 section 3.12 would permit or would preclude the carrying
13 over of bills from one section to another so that one would
14 not be required to introduce bills anew.

15 DELEGATE GALLAGHER: I think in the absence of
16 a definitive sentence to the effect that one does carry
17 them over, that one would not interpret 3.12 as allowing
18 the bills to go over in life from one year to another.

19 THE CHAIRMAN: Delegate Chabot.

20 DELEGATE CHABOT: Has the Committee given
21 consideration to this point?

1 DELEGATE GALLAGHER: The Committee has not
2 actually given full consideration to it. It may well
3 recommend it in another section.

4 There was some consideration of having a bill
5 stay alive through two years, certainly not longer than
6 two, but the Committee has not taken any action on it.

7 THE CHAIRMAN: Are there any further questions
8 for purposes of clarification?

9 Delegate Byrnes.

10 DELEGATE BYRNES: Mr. Chairman, just for the
11 record again, referring to section 3.08, page 3 of the
12 Committee Recommendation, would you say that there is any-
13 thing to bar the legislature from authorizing additional,
14 for example, \$1,000 for the additional 30 days and another
15 \$1,000 for the second 30 days, as salary?

16 DELEGATE GALLATHER: I believe that the 30 day
17 extension would be a continuation of the regular session,
18 and if there were a second 30 day session, that that would
19 be a further continuation, so I believe that would fly in
20 the face of the prohibition here.

21 The Committee recognizes, of course, that

1 there is enough ingenuity in the mind of man to get around
2 any prohibition, but at the same time we felt that we only
3 wanted to prohibit a specific practice and consequently
4 we merely addressed ourselves to that.

5 THE CHAIRMAN: Are there any further questions
6 for purposes of clarification?

7 Delegate Bamberger?

8 DELEGATE BAMBERGER: My purpose is to clarify
9 the Chairman's answer. I think he missed the last word
10 of Delegate Byrnes' question, which was whether they
11 could authorize additional payments as salary, and the other
12 prohibition on salary prohibits an increase in salary being
13 applicable to that General Assembly.

14 DELEGATE GALLAGHER: I think Delegate Byrnes was
15 addresssing himself to a per diem expense beyond the 90th
16 day.

17 DELEGATE BYRNES: Delegate Bamberger clarified
18 properly my question. I am referring to the salary.
19 I was referring directly to your point, that you barred
20 the per diem becuae of the enticement effect, and you
21 clarified by saying it was not the exclusive reason, but

1 then the thought dawned on me that of course he could suggest
2 an additional thousand dollar salary for the additional
3 30, and then another thousand dollars, and I am not condemning
4 this. I think it may well be of merit.

5 DELEGATE GALLAGHER: They do not do that under
6 the prohibition that no salary increase can take effect
7 for that General Assembly.

8 THE CHAIRMAN: Any further questions?

9 Delegate Bennett.

10 DELEGATE BENNETT: Mr. Chairman, in section 3.12
11 it is indicated that the Presiding Officer of the House
12 of Delegates and the Presiding Officer of the Senate may
13 convene a session.

14 Would you tell me, is there any precedent for
15 that elsewhere?

16 DELEGATE GALLAGHER: To my knowledge, Delegate
17 Bennett, there is no precedent elsewhere for that particular
18 practice.

19 THE CHAIRMAN: Are there any further questions?

20 DELEGATE GALLAGHER: I do believe, however,
21 it is part of the recommendations made by the Eagleton

1 Institute.

2 THE CHAIRMAN: Any further questions?

3 If not, thank you very much, Delegate Gallagher.

4 We will proceed to a consideration section-
5 by-section, the first section for consideration being
6 section 3.01.

7 Before opening it to amendment, the Chair calls
8 on Delegate Hanson, as the Speaker of the Minority, to
9 present the Minority Report of LB-1. While Delegate Hanson
10 is coming forward to the reading desk, the Chair would
11 like to call to the attention of the Committee of the
12 Whole that we are honored today to have in the gallery
13 Speaker Pro Tem Homer White, of the House of Delegates;
14 Delegate Lipin of Anne Arundel County; and Senator Blair
15 Lee. We are delighted to have them here.

16 Delegate Hanson.

17 DELEGATE HANSON: Mr. Chairman, I have the honor
18 to present the Minority Report which argues that instead
19 of having a bicameral General Assembly as proposed by the
20 Committee, that we adopt a unicameral General Assembly.

21 Members of the Minority are in agreement with

1 the other principles which were enunciated by the Chairman:
2 that there should be single member districts, that the
3 size of the General Assembly should be reduced, that the
4 General Assembly should be given more discretion in the
5 determination of the length of the session, and that it
6 should establish by law its own salary.

7 We believe that all of these reforms can be
8 accomplished, and that in addition, a more effective and
9 strengthened General Assembly can be established if
10 it is composed of only one house.

11 It is the position of the minority that the
12 tradition of having a bicameral General Assembly is
13 rooted primarily in mistrust of the legislature, and that
14 contrary to that distrust, we should establish a strong
15 legislative branch and assume that it will be responsible,
16 and that in fact, we should organize it in such a way that
17 its responsibility would be enhanced.

18 We will be prepared to offer further amendments
19 if our substitute for section 3.01 is adopted to establish
20 a one house legislature, to establish that one house at
21 100 members.

1 The arguments in favor of unicameralism are con-
2 tained in our report, as are the analyses of the presentation
3 of the Committee. I should like to explain and review those
4 arguments very briefly.

5 First of all, we believe that unicameralism
6 would strengthen the legislative branch of the State govern-
7 ment. Unicameral bodies we believe would permit more
8 effective relationships between the executive and the
9 legislative branch, by permitting a unification of the
10 legislative leadership.

11 If this Convention strengthens the executive
12 branch and unifies it, if it strengthens and makes coherent
13 the judicial system of the State, it should also strengthen
14 and unify the legislature.

15 A unified executive should be counter-balanced
16 with a unified legislature. If we are to strengthen State
17 government so that the Federal system is to be preserved,
18 it is essential that the legislature which is the
19 weakest branch of State government today be made equally
20 strong with the other branches.

21 Secondly, we believe that unicameralism will

1 enhance the prestige of our legislature, and the influence
2 and significance of each member of the legislature.

3 Public opinion polls consistently show the
4 image of State legislatures to be a poor one.

5 We believe that membership in a single chamber will carry
6 greater prestige for the individual member by creating a
7 situation in which no member's influence or power is di-
8 luted, that on the average it will therefore attract more
9 responsible citizens to run and seek legislative service.

10 Thirdly, we believe that a one-house legislature
11 will clearly focus responsibility, making legislators more
12 responsive and accountable to the people.

13 This is because each member will recognize that
14 there is no other body to check his actions. Legislatures
15 are strengthened primarily by encouraging responsible be-
16 havior on the part of every member, and the great advantage
17 of unicameralism is that it clearly focuses public atten-
18 tion on one house and makes it far easier to trace the
19 course of legislation, the activities of each member
20 and the activities of representatives of any special
21 interest groups.

1 We in the Minority found it most instructive
2 that every lobbyist who appeared before our committee
3 was a strong, enpassionate advocate of the bicameral system.
4 We were forced to the conclusion that there must be something
5 better in a bicameral, in a difused, and in a repetitive
6 legislative process to the benefit of the special interest
7 groups.

8 Fourthly, we believe that a unicameral legis-
9 lature will provide more careful consideration of legis-
10 lation. The experience with Nebraska, the experience with
11 local governments throughout the country, the experience
12 of unicameral legislatures elsewhere in the world I think
13 indicates that the death rate of unwise legislation is as
14 high in a unicameral body as it is in a bicameral body.
15 In fact, if we look at our own legislative process in
16 Maryland, it is not the existence of two houses that ac-
17 counts for the death of most legislation that dies, but
18 rather the screening given it in the first house, because
19 80 percent of all legislation introduced which
20 ultimately is defeated in Maryland in 1967 was defeated in
21 the house of its origin and not in the other house.

1 A unicameral legislature dispenses with the
2 need for hasty and ill-considered legislation. We of the
3 Minority believe that bicameralism provides a self-fulfilling
4 prophecy that there will be hasty and ill-considered legis-
5 lation because of the need to rush on, to get legislation
6 to the other house, in order that it might be considered
7 at all.

8 By the establishment of careful procedures,
9 a measure can be adequately considered and debated in a
10 single house, and a unicameral body will not find itself
11 jammed with bills it has not seen before as it is moving
12 toward adjournment.

13 Certainly a great deal more can be achieved
14 for the same cost in a unicameral body than in a bicameral
15 body, whether we be concerned with salaries of legislators
16 or the necessities of staff and office facilities.
17 We believe that when the arguments for bicameralism
18 are reduced to their essentials, they consist of two prin-
19 cipal propositions. Both have been stated admirably
20 and well by the Chairman: that bicameralism is traditional
21 -- but so are elected judges, long Constitutions, division

1 of executive authority and weak local government. In other
2 words, the reasons for bicameralism are historical rather
3 than logical.

4 We can, of course, resort to the cup and saucer
5 theory. I think the Minority response to that theory
6 would be, if I may use the current vernacular, don't "cool
7 it, baby."

8 The second basic argument is that bicameralism
9 is supposed to provide checks and balances.

10 The Minority suggests that this certainly cannot be de-
11 nied. If two committees consider the same matter, if
12 two people consider the same matter, or if two legislative
13 houses consider the same matter, the law of averages would
14 indicate that there would be some differences between them.

15 But why, we ask, should the legislature be
16 the only branch of government which is required by the
17 Constitution to check and balance itself? We believe
18 that checks and balances in modern government should exist
19 between the branches of government, and not within any of
20 the branches of government; that by providing an internal
21 check and balance bicameralism permanently relegates

1 the legislative branch to be the weakest in State govern-
2 ment by dividing among themselves the direct representatives
3 of the people.

4 If we turn to the direct arguments made for bi-
5 cameralism by the Committee report, the first is that from
6 a statistical point of view bicameralism really works
7 in Maryland, which is to say that one house passes bills
8 and the other house passes them, too, and sometimes one house
9 declines to pass a bill which has been passed by the other
10 house, which is to state the obvious, or nothing.

11 This in fact gives us no qualitative judgment
12 as to whether or not good bills pass or bad bills pass.
13 Statistically it would probably also indicate, if one could
14 decide what is a good bill and what is a bad bill, that
15 on the average about as many good bills are killed as bad
16 bills.

17 What the Committee neglects to mention is that
18 one house does not provide careful consideration of legis-
19 lation passed by the other house simply because the second
20 house does not have an adequate opportunity for careful
21 consideration. I call your attention to page 6 of the

1 Minority Report, LB-1A, in which we have reproduced a table
2 from the Eagleton study of the legislature, indicating that
3 82 percent of all legislation enacted was enacted in the
4 last two weeks, in 1966, and 79 percent in 1967.

5 Also, we indicate on page 7 of the report that a
6 very large percentage of the bills moving from one house
7 to the other do not move until the last ten days of the
8 session, including Sundays.

9 In things that matter greatly, such as the con-
10 sideration and enactment of the budget, the General Assembly
11 has found it necessary to develop informal relationships
12 between the two houses so that the budget bill can be
13 carried to completion in substantially the same form in
14 both houses, thereby avoiding a conference.

15 In the development of major new areas of legis-
16 lation, such as tax reform, the General Assembly resorts,
17 as seems most wise and widely heralded, to the use of the
18 Legislative Council, which consists of a joint committee
19 of the two houses acting together. Thus it would seem
20 that in those things that matter most the General
21 Assembly has already recognized the validity of the

1 unicameral principle, and attempts to combine the two
2 houses insofar as it is possible within the present
3 system.

4 We may conclude then from the facts that are
5 available, and from the behavior of the legislature as
6 contrasted with the theory and slogans of bicameralism
7 that hasty and ill-considered legislation is, as I suggested
8 earlier, a self-fulfilling prophecy in a bicameral body.

9 The second argument made by the Committee is
10 that bicameralism offers greater opportunity for differing
11 citizen interests to be represented in the legislature.

12 We of the Minority believe that this is probably
13 the strongest argument made by the Majority for the
14 retention of a bicameral system. We believe, however,
15 that this purported advantage is offset in a unicameral
16 body by its increased visibility, and thereby by the ability
17 of the individual citizen, the constituency, to understand
18 the legislative process, and to carefully view and consider
19 the behavior of its representative.

20 We believe that the interest of citizens
21 is better protected if the legislative power is undivided

1 and no opportunities are provided to shift responsibility
2 for actions from one house to another.

3 The third argument advanced by the committee
4 is that a bicameral legislature with houses of unicameral
5 size will insure that issues are viewed from varying
6 perspectives. Again, this is a statement of the obvious,
7 for if there are two people considering the matter, there
8 will be varying perspectives brought to view on the
9 question, or if the experience of the Constitutional Conven-
10 tion may apply, if one person is considering the matter
11 there may be occasionally varying perspectives brought to
12 view on the issue.

13 The practices in both houses of our General
14 Assembly move in the direction of fewer committees, and
15 toward a tendency of a parallel committee structure in
16 each house of the General Assembly, so it would appear
17 that the argument of varying perspectives may not be as
18 strong as supposed.

19 The fourth argument advanced by the committee
20 is that bicameralism permits legislators to play differing
21 roles and each house to operate under different rules of

1 procedure. It would perhaps be more accurate to say that
2 bicameralism difuses responsibility rather than increases
3 responsibility, and the second look may often be only
4 a passing glance.

5 The fifth reason advanced by the Committee
6 is that bicameralism is more responsive to the public will
7 and offers more time for citizens to learn what is happening
8 in the legislature. This statement is based upon the
9 often stated proposition that people do not know
10 what is happening until one house has passed the legislation.
11 We of the Minority believe that this is not a compliment
12 to bicameralism but a serious indictment of it. That
13 it is so difficult for the ordinary citizen to comprehend
14 that he cannot understand what has occurred until one
15 House has acted, and if, as the facts indicate, that legis-
16 lation does not get to the second house until it is almost
17 too late to give it careful consideration, that the
18 facade created by the bicameral system of careful second
19 consideration simply is that, a facade, and does not involve
20 citizens in a full participation in the legislative affairs
21 of their State.

1 We believe rather that legislation should be
2 under constant review from its initiation and introduction
3 until its final passage.

4 We think, Mr. Chairman, that the second house
5 is not now, has never been and is not likely to be an ade-
6 quate safeguard against sloppy legislation. The only ade-
7 quate safeguard is to provide a strong and a responsible
8 legislature, and so structured that we can expect, within
9 reason, that the behavior of each member will be the most
10 responsible.

11 Thank you.

12 THE CHAIRMAN: Are there any questions of the
13 Minority spokesman for purposes of clarification?

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THE CHAIRMAN: Are there any questions
of the Minority spokesman for purposes of clarification of the
Minority report?

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Delegate Koger.

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DELEGATE KOGER: I wonder if your committee
considered how much might be saved in printing bills by
printing just for one House?

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DELEGATE HANSON: I do not believe that it did.
This would be a consideration. I think that the experience
of Nebraska, for example, has indicated that not only is
there a saving in the printing of bills just in the total
number or the duplicates in each House, but that actually
fewer bills were introduced when the legislature there con-
verted from a bicameral to a unicameral system.

16

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THE CHAIRMAN: Any further questions of the
Minority spokesman?

18

Delegate Byrnes?

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DELEGATE BYRNES: Recognizing that one of the
values of bicameralism is that you do get, or that the one
House considers bills more deeply than the other House, would
you think that we could have the unicameral system without

1 a continuous session? That is, referring now to the volume
2 of bills that go before the General Assembly every year.

3 DELEGATE HANSON: I think it would be possible
4 to have a unicameral system without a continuous session.
5 I think whether we have a unicameral or a bicameral
6 legislature that as the committee report suggests, greater
7 consideration toward flexibility is needed in the ability
8 of the General Assembly to determine its session.

9 THE CHAIRMAN: Are there any further questions
10 of the Minority spokesman?

11 Delegate Fornos?

12 DELEGATE FORNOS: Have you given consideration
13 to the one major problem that has been pointed out in the
14 Nebraska unicameral situation, whereby they have a non-
15 partisan system?

16 Certainly you are not advocating that, are you?

17 DELEGATE HANSON: I am certainly not advocating non-
18 partisanship and I think I can speak with confidence for
19 the other members of the Minority in that none of us are
20 considering a non-partisan system of election.

21 THE CHAIRMAN: Delegate Bushong?

1 DELEGATE BUSHONG: He answered the question.

2 THE CHAIRMAN: Are there further questions for
3 purposes of clarification? Delegate Bennett?

4 DELEGATE BENNETT: Mr. Chairman, Mr. Hanson, would
5 you repeat those figures again on the percentage of legisla-
6 tion that was enacted in the closing days of the legislature?

7 DELEGATE HANSON: Yes.

8 On page 6 of the Minority Report, we present a
9 table which indicates that in the ninth and tenth weeks
10 of the General Assembly, which are the last few weeks, that in
11 1966, 82 per cent of all bills passed were enacted, and
12 in 1967, 71 per cent of all bills passed were enacted.
13 On the succeeding page, we indicate that if one excludes local
14 laws, which we think to be a significant exclusion, 45
15 per cent of the House bills did not reach the Senate until the
16 last ten days, and that in that same session, this year,
17 34 per cent of the general bills moving from the Senate to
18 the House did not reach the House until the last ten days,
19 and it seemed to us that given the problems of the last few
20 days of the General Assembly, that it is not terribly
21 likely that careful and detailed consideration is given to that

1 much legislation.

2 THE CHAIRMAN: Are there any further questions
3 of the Minority spokesman?

4 (No response)

5 THE CHAIRMAN: If not, we will proceed --
6 Delegate Pullen?

7 DELEGATE PULLEN: As a matter of interest, would
8 you advocate unicameralism for the Federal Government?

9 DELEGATE HANSON: No.

10 DELEGATE PULLEN: You would not. Why?

11 DELEGATE HANSON: The Federal Government, it seems
12 to me, is based upon quite a different principle of
13 governing than is the state government. The Federal Government
14 is a federal union, and in Madison's phrase, a compound
15 republic of people and states, in which the states are
16 represented through the members of the U. S. Senate.

17 THE CHAIRMAN: Delegate Pullen.

18 DELEGATE PULLEN: Are we now not coming to one-
19 man, one-vote and doing away with that?

20 DELEGATE HANSON: Not in the U. S. Congress.

21 DELEGATE PULLEN: Now the other question:

1 Are these people going to be senators or delegates?

2 DELEGATE HANSON: I am reasonably indifferent
3 to what they are called constitutionally if we assemble
4 them together in one House. I would be most happy to submit
5 to a title of great distinction which this convention
6 might confer on the members of that House.

7 THE CHAIRMAN: Are there any further questions?
8 Delegate Chabot?

9 DELEGATE CHABOT: Would you feel that the responsi-
10 bility of the legislature which you suggest would be enhanced
11 by making unicameral rather than bicameral would be further
12 enhanced by eliminating the gubernatorial veto?

13 DELEGATE HANSON: No, I do not think so. The
14 power of the legislature undoubtedly would be enhanced by
15 elimination of the gubernatorial veto but it seems to me
16 that in a government of divided powers that there is a need
17 for a certain amount of creative friction between the
18 executive and legislative branches of the government and
19 that both the legislature and the executive ought to
20 participate in the policy-making process and the existence
21 of the veto as well as the existence of the power of

1 governor to submit recommendations to the General Assembly,
2 it seems to me is an important part of that process.

3 THE CHAIRMAN: Delegate L. Taylor?

4 DELEGATE L. TAYLOR: Delegate Hanson, did you
5 consider the effect of any regional problems being solved
6 more easily by the combination of three or four delegates
7 under the unicameral system?

8 DELEGATE HANSON: Excuse me, do you mean the
9 combination of three or four delegates in a single
10 district or in a district?

11 DELEGATE L. TAYLOR: In several districts. Say,
12 for instance, if they had a regional problem under discussion
13 in the unicameral body, would it be easier for them to
14 solve this particular problem or would it be more difficult?

15 DELEGATE HANSON: I do not think one can make a
16 very good judgment on that kind of a question.

17 I think it would depend upon the problem itself and
18 its complexity moreso than the basis -- the basis of district-
19 ing, however, might have an important role on it.

20 We favor single-member district, as does the
21 committee report, because we believe that this further

1 focuses attention on the acts of each member of the
2 legislature and holds him personally accountable to his
3 constituency about the ability to diffuse that responsibility.

4 DELEGATE L. TAYLOR: Did you ask yourself this
5 question, would a Senate body along with the House of
6 Delegates, would that allow more flexibility in solving
7 the regional problems?

8 DELEGATE HANSON: I do not know that we asked
9 ourselves that question specifically, no.

10 THE CHAIRMAN: Delegate Hanson, I think
11 Delegate Taylor's questions were designed to ask whether
12 or not a delegation from a region could be more effective
13 in handling regional problems in the legislature in
14 the unicameral legislature or bicameral legislature.

15 DELEGATE HANSON: I think to that question I
16 would answer that I believe that a delegation in a unicameral
17 body would be more effective in any given circumstance
18 in handling a problem, whether a regional problem or
19 any other kind of substantive problem than a bicameral
20 delegation would be, primarily because it would not be
21 possible to shift responsibility for the action they took or

1 recommended to the other branch.

2 I think those of us who have watched our own
3 legislative delegations from time to time have been not
4 too amused to find that what looked like a great promise
5 in one House had been virtually by pre-arrangement doomed to
6 oblivion by the action of the other House, making it
7 therefore quite difficult to know actually where the axe
8 had fallen and who actually was responsible for the final
9 result.

10 THE CHAIRMAN: Any further questions of the Minority
11 spokesman? Delegate Gleason?

12 DELEGATE GLEASON: Mr. President, Mr. Chairman,
13 I would like to ask the spokesman for the Minority if he
14 would provide the assembly with some kind of a figure as to
15 what would be the size of this unicameral legislature.

16 DELEGATE HANSON: I have suggested that if the
17 Convention adopts our proposal, that there be a unicameral
18 legislature, that I would then propose an amendment to
19 Section 3.04 to establish the size of that body at one
20 hundred.

21 We indicate this on page 1 of the Minority report.

1 THE CHAIRMAN: Delegate Gleason?

2 DELEGATE GLEASON: One hundred would be 40 less
3 than the 35-105 ratio and I am wondering, how do you provide
4 for minority representation, representation of minority
5 groups in the state with that kind of a figure?

6 DELEGATE HANSON: I think it would be well to
7 point out that minority representation in the state is provided
8 not by the 35 figure, but by the 105 figure, using single-
9 member districts.

10 I think single-member districts are an important
11 and integral part of minority representation, so my answer
12 to you is that minorities would be represented in the same
13 manner in a unicameral body as they would be in a bicameral
14 body.

15 THE CHAIRMAN: Any further questions of the
16 Minority spokesman?

17 Delegate Neilson?

18 DELEGATE NEILSON: Mr. Hanson, from a practical
19 standpoint as a spokesman for the Minority party, what
20 do you think --

21 DELEGATE HANSON: Minority, not Minority party.

1 DELEGATE NEILSON: -- what would you think our
2 chances would be if your report were adopted in having the
3 electorate for the State of Maryland adopt this unicameral
4 form of legislature?

5 DELEGATE HANSON: As a practical matter, I believe
6 unicameralism could have a very profound effect upon the
7 electorate, reviewing favorably the action of this Convention.
8 I say so because I believe that if this Convention adopts
9 unicameralism for the reasons which we have given, namely,
10 that we are going to try to strengthen and increase the
11 effectiveness of the General Assembly, and demonstrate, as I
12 think we can, that unicameralism is most material, and perhaps
13 the singlemost effective thing that we can do in strengthening
14 and making more effective the General Assembly, that the
15 public generally will accept it, and accept it with enthusiasm.

16 Now, as Delegate Neilson well knows, I have no more
17 empirical evidence on which to base this argument than he
18 or anyone else has upon which to base an argument that the
19 people would throw up their hands in horror at such a
20 prospect.

21 THE CHAIRMAN: Any further questions?

(No response)

1 THE CHAIRMAN: If not, we will proceed to a
2 consideration of Section 3.01 for the purposes of amendments.

3 While we are waiting for Delegate Hanson to resume
4 his seat, I would like to recognize the presence in the
5 rear balcony of a delegation from Washington County, one
6 of whom I understand is Mrs. Mildred Hyatt, former member
7 of the House of Delegates.

8 We are delighted to have you here. (Applause)

9 The Chair recognizes Delegate Hanson for the
10 purposes of submitting an amendment to Section 3.01.

11 DELEGATE HANSON: Mr. Chairman, I submit the
12 following amendment.

13 THE CHAIRMAN: Will you send it forward, please?

14 The Clerk will read the amendment. It will
15 be marked Amendment No. 1. Please strike out the printed
16 language to Amendment No. so that it will read "Amendment
17 No. 1 to Committee Recommendation No. LB-1."

18 MR. QUILLEN: Amendment No. 1 to Committee
19 Recommendation No. LB-1, by Delegates Hanson, Miller,
20 Sollins, and Gill.

21 On page 1 of Committee Recommendation LB-1,

1 strike all of Section 3.01. Legislative Power and insert
2 in lieu thereof the following sections:

3 Section 3.01. Legislative Power

4 The legislative power of the State is vested
5 in the General Assembly, which shall consist of one house.

6 THE CHAIRMAN: Is there a second to the
7 amendment?

8 (Whereupon, the amendment was seconded.)

9 THE CHAIRMAN: Amendment No. 1 to Committee
10 Recommendation LB-1 is now before you. The debate on this
11 Section is controlled under Debate Schedule 1. There are
12 45 minutes allocated to Delegate Hanson and to such persons
13 as he may designate and 45 minutes to Delegate Gallagher,
14 after which there is 45 minutes of uncontrolled debate.

15 The Chair recognizes Delegate Hanson.

16 DELEGATE HANSON: Mr. Chairman, fellow delegates,
17 what does it state in this amendment? It states whether
18 or not the legislative branch in Maryland is going to
19 be co-equal with the other branches of the Government, and
20 whether it is going to be effective and responsible.

21 As I indicated a few moments ago, we believe that to have

1 a strong and effective legislature, we must be able to
2 make it possible for it to unite in its confrontation with
3 the Governor, that it must have the ability to attract
4 outstanding citizens of public service in the legislature;
5 that it must be a body in which the public has confidence,
6 that the public business will be transacted in full view,
7 and that each member will act responsibly; that it must
8 be accountable to the electorate and it must have high
9 visibility.

10 The argument has been made that other states
11 have not adopted a unicameral system. To that I would reply
12 that one of the great tragedies in state government is
13 the propensity of each state to accept without criticism or
14 question the errors of its sisters.

15 We are here assembled in a constitutional con-
16 vention, in which we are going to be doing a good bit of
17 innovating and developing a good bit of new approaches
18 to state government. Had this argument prevailed in the
19 Missouri Constitutional Convention not too long ago, there
20 would never have been a Missouri plan for establishment of
21 judiciary. No state had ever done it. Had it prevailed --

1 correction, Missouri; in New Jersey, had such an argument
2 that no other state has done it prevailed, there would
3 be no unified court system and no unified executive in New
4 Jersey. So, Mr. Chairman, I think our job here is not
5 to be concerned with what others have done, but be concerned
6 with what we need to do to establish a strong and effective
7 Constitution and make as a citadel for the people in that
8 Constitution a strong and effective legislature.

9 Mr. Chairman, I should like to yield five
10 minutes to Delegate Sollins.

11 THE CHAIRMAN: The Chair recognizes Delegate
12 Gallagher in opposition to Amendment No. 1.

13 DELEGATE GALLAGHER: Mr. Chairman, ladies and
14 gentlemen of the committee, I rise to speak in opposition
15 to the amendment offered by Delegate Hanson.

16 I believe it is only fair to say that the short-
17 comings which he has described in his attack on bicameralism
18 are not due to the nature of bicameralism itself, but some
19 of the other failures which I made reference to in the
20 presentation of the committee report.

21 I would suggest, for example, that the last-minute

1 rush of bills is not due to bicameralism but rather to
2 the limited sessions and the unrealistic limitations that
3 are placed upon the number of days which a general assembly
4 has to act.

5 It is perfectly possible, I would suggest, to the
6 Chair and to the members of the committee, that bicameralism
7 could be adopted in such a manner as to provide sufficient
8 time to eliminate the rush of bills. I would also point
9 out to the members of the committee that because of the
10 provision that none of the money bills can move until the
11 budget bill has been passed, that there is a natural tie-up
12 which is due to another Constitutional provision, rather than
13 to the nature of bicameralism itself.

14 If there be, as Mr. Hanson has suggested, a lack
15 of visibility with respect to members of a bicameral general
16 assembly, I would further suggest that this lack of
17 visibility is due to the multi-member districts and the
18 spreading of responsibility, rather than to bicameralism
19 itself.

20 I would say in addition, Mr. Chairman, that the
21 other branches of the government have checks and balances.

1 Certainly judges check judges on the appellate level.

2 As a matter of fact, some people even keep score with respect
3 to how judges make out in the lower courts when confronted
4 with the opinion of the appellate courts.

5 A governor to some extent is checked by the
6 bureaucracy within the executive branch of the government,
7 so there are checks, it seems to me, within the other two
8 branches as well.

9 I think an examination of the bills which fail
10 and the bills which are introduced will show that approxi-
11 mately 50 per cent of the bills which are introduced into the
12 Maryland General Assembly are local in nature, so it seems
13 to me that one proves nothing when one says that bills
14 are killed in a bicameral system; whether they be state
15 or local shows that bicameralism works.

16 I would also suggest to the members of the committee
17 that when the legislative agents sometimes unkindly referred
18 to as lobbyists appeared before the Committee on the Legislative
19 Branch, that they were not well-disposed toward suggesting
20 that the people before whom they appear regularly should have
21 their jobs eliminated, and I suspect that any bow they gave

1 in the direction of a bicameral general assembly was really
2 due more to diplomacy and the thought that they would have
3 to appear on another day before a bicameral general assembly
4 that prompted them to glorify the attributes of the bicameral
5 general assembly.

6 The Nebraska legislature, it seems to me, proves
7 nothing qualitatively. One is unable to say that Nebraska
8 passes a better type of law because of a unicameral general
9 assembly. One merely can point out what the statistical
10 experience is, but you cannot give to that experience a judgment
11 with respect to wisdom, prudence or judgment with
12 respect to the laws themselves.

13 I would suggest, ladies and gentlemen of the
14 committee, that the shortcomings which Mr. Hanson has made
15 reference to, many of them quite valid, are not wrapped up
16 in bicameralism but the particular kind of bicameralism
17 which we have been laboring under for some time, a bicameralism
18 which will be eliminated and reformed if the other conditions
19 of the report of the Legislative Branch are adopted.

20 At this time, Mr. Chairman, I should like to
21 yield five minutes to --

1 THE CHAIRMAN: I will recognize you for that
2 purpose in a few minutes.

3 Delegate Hanson?

4 DELEGATE HANSON: Mr. Chairman, I yield five minutes
5 to Delegate Sollins.

6 THE CHAIRMAN: Delegate Sollins?

7 DELEGATE SOLLINS: Mr. Chairman and ladies and
8 gentlemen of this committee, this Convention appears determined
9 to strengthen the Executive and Judicial Branches of Government,
10 as well as the powers of local government.

11 However, a much more--

12 THE CHAIRMAN: Delegate Sollins, it will help
13 if you hold the microphone much closer to your mouth, please.

14 DELEGATE SOLLINS: However, a much more cautious
15 attitude is evidenced as far as the state legislature is
16 concerned.

17 While I wholeheartedly support the strengthening
18 of the Executive Branch, local branches of government, in
19 making local government much more self-sufficient, I believe
20 that to keep the legislature bicameral is to relegate the
21 chief policy-making body of this state to the role of weak

1 sister.

2 We have heard from state senators and delegates
3 from all over the state, from every section, from every
4 county, I believe, and the pattern of their testimony is
5 to stand pat on bicameralism.

6 I remind you that court clerks and sheriffs have
7 also demanded that the status quo be maintained for their
8 positions.

9 How much this attitude reflects the desire to do
10 what is best for the people is subject to some interpretation.

11 As one delegate, I have come to this conclusion:
12 That this Convention must strengthen the legislature in
13 spite of its members' expressed desire to remain less than
14 equal.

15 Legislators must become more visible to their con-
16 stituents if they are to be really true representatives
17 of all the people, rather than the politically active few.
18 Visibility can only be achieved by having a small legis-
19 lature, one that functions in a manner that can be followed
20 by all interested citizens, and by having members who are
21 clearly accountable to a given electorate.

1 In a bicameral legislature, we have twice as many
2 members as we need, two people doing one job.

3 An interested citizen, trying to follow the
4 present legislative course of a proposal or bill, finds
5 that it is more complicated than a Perry Mason mystery.
6 Accountability is shared to a degree that it is non-
7 existent.

8 We hear much about the need for checks and balances
9 within the legislature itself, but I maintain that this is
10 a need only as long as some senators and some delegates
11 are willing to vote for some bills with the hope that
12 the other house will negate their action.

13 I submit that two houses provide less responsi-
14 bility, less of everything, in fact, except jobs, costs
15 and confusion. A bicameral legislature is really a house
16 divided against itself, incapable of acting effectively
17 to meet its responsibilities; not only of being the chief
18 policy-maker, but of being a proper check on the executive
19 department that governs.

20 In a one-house legislature, every vote has
21

1 meaning. Every legislator is accountable. Every member is
2 visible. A legislator who is serving in a unicameral body
3 is elected to represent a single-member district,
4 and will enjoy a prestige not known in our state today.
5 He will be one of a kind, just as a member of Congress.
6 In debate, in committee, he will speak with authority.
7 He will not be one of three or seven or more representing
8 a district. He will not be a member of a lower house or an
9 upper house. He will be a member of the House, the General
10 Assembly. He will be the one, the only elected representa-
11 tive of his district in the legislature.

12 THE CHAIRMAN: Delegate Sollins, you have 45
13 seconds.

14 DELEGATE SOLLINS: Thank you.

15 Fellow delegates, if we strengthen the legislature
16 in this manner, I submit that we will be strengthening every
17 component part by strengthening every member and we will be
18 strengthening the legislative process and the legislative
19 body.

20 One further point: The Washington Post and the
21 Baltimore Sun in their editorial columns have both

1 supported unicameralism. The Washington Post has suggested
2 that perhaps unicameralism is too daring for this convention.
3 I suggest that it is not daring, but a necessity that requires
4 unicameralism.

5 Thank you.

6 THE CHAIRMAN: Delegate Gallagher?

7 DELEGATE GALLAGHER: Mr. Chairman, I yield for
8 three minutes to Delegate Malkus.

9 THE CHAIRMAN: Delegate Malkus?

10 DELEGATE MALKUS: Mr. President, ladies and
11 gentlemen of the Constitutional Convention, we had numerous
12 witnesses before the Committee on the Legislative Branch
13 cover just about everybody that knows anything about the
14 General Assembly of Maryland. The vote for bicameralism
15 was 33. The vote for unicameralism was 11.

16 Now, of these, of the 11, five were out-of-state
17 people.

18 It is really interesting to note that when you
19 have men like Charles Della, who represents Labor, and
20 William Wilson, Cookman Boyd, who represents Management,
21 agreeing to this thing of having two houses, with the

1 exception of Tommy D'Alessandro, and some two or three
2 members of the House of Delegates, some of which are in
3 this body, everyone else stated that they thought that
4 the present system was the best system.

5 Now, Mr. President, if we are not going to listen
6 to the witnesses and the preponderance of evidence is for
7 the two-house system, then for what reason do we have
8 testimony?

9 THE CHAIRMAN: Delegate Malkus, you have one-half
10 minute.

11 DELEGATE MALKUS: Thank you, sir.

12 I would like to bring the attention of this body
13 that bicameralism had its birth in the British Parliament
14 in the 14th Century, and has continued since that time.
15 Bicameralism came into being in Maryland in 1650, and has
16 been with us since that time. No one except those that speak
17 in theory in my opinion have given a reason as to why we need
18 to change now.

19 THE CHAIRMAN: Delegate Hanson.

20 DELEGATE HANSON: Mr. Chairman, I yield five minutes
21 to Delegate Gill.

1 THE CHAIRMAN: Delegate Gill?

2 DELEGATE GILL: Mr. Chairman and fellow delegates,
3 we believe that interests of all citizens, and especially
4 the average, and those with specialized problems, would
5 be far better represented and that the electorate would
6 be better able to hold their representatives accountable if
7 the legislative power exercised by the representatives were
8 not divided in two houses.

9 Because of our disability and inaccountable
10 legislature it would be very difficult to play one house
11 against the other as is often done in the two houses now.

12 A streamlined well-organized unicameral legislature
13 which is effectively, intelligently and justly operated
14 could do more than any other single thing to help democracy
15 to work in Maryland.

16 Because of its simple and non-duplicating process,
17 the people could become fully informed as to their govern-
18 ment's operations. Simplicity of form would encourage
19 public knowledge and participation and involvement.

20 A single chamber, a single-member district, would
21 open up and keep open many channels of communication between

1 the legislators and the people.

2 Because of pure legislators, no duplication
3 of committees and a simple process, the citizens would learn
4 more about the legislative procedures, and this would enable
5 them to judge more adequately persons and issues.

6 This direct and often personal experience would
7 cause them to trust their fellow man and have more confidence
8 in decisions.

9 Unicameralism would particularly benefit the
10 minority and ethnic groups and individual citizens because
11 the responsibility and blame for actions taken or not taken
12 on bills could be clearly fixed. Minority groups who have
13 had long histories of unfulfilled promises and buck-passing,
14 which has resulted in many frustrations, disillusionment
15 and disappointments should welcome the opportunity of a
16 unicameral legislature so that they would know who are and
17 who are not living up to their promises, and could then
18 react appropriately at the right time.

19 The smaller number of legislators in a uni-
20 cameral chamber should result in higher caliber of persons
21 selected to represent the electorate, and that in itself
is far more important than any particular number.

1 This smaller body would be able to transact
2 the electorate's business in clear view of the public,
3 and would, we think, be in a better position to make
4 citizens and public enemies their main concern.

5 These superior legislators selected to serve in a
6 unicameral body should cause the end result to be a better
7 percentage of participation by the people, of the people,
8 and for the people.

1 THE CHAIRMAN: Delegate Gallagher.

2 DELEGATE GALLAGHER: Mr. Chairman, I yield
3 three minutes to Mr. Neilson.

4 THE CHAIRMAN: Delegate Neilson.

5 DELEGATE NEILSON: Mr. Chairman, fellow Dele-
6 gates, unicameralism in theory may be an acceptable substi-
7 tution for bicameralism. I am not for using the State of
8 Maryland as a guinea pig for the political scientists
9 to prove a theory. Nebraska unicameralism in 31 years
10 has not proved its superiority to bicameralism. I cannot
11 and will not argue all the points previously argued in
12 the Committee. Much testimony was heard. I recall one
13 particular witness from out of state who stated he had
14 much experience in Nebraska serving either with the
15 legislature or working with it, and he stated that although
16 he favored unicameralism in theory, he was afraid, on
17 direct questioning, he was afraid that if we attempted to
18 adopt such a radical change in the State of Maryland, he
19 feared we would lose the whole Constitution that may come
20 out of this Convention.

21 I would urge that the recommendation of the

1 Committee, who gave much thought to this whole question,
2 be accepted and the amendment as proffered be rejected.

3 THE CHAIRMAN: Delegate Hanson?

4 DELEGATE HANSON: Mr. Chairman, I yield three
5 minutes to Delegate Raley.

6 THE CHAIRMAN: Delegate Raley.

7 DELEGATE RALEY: Mr. Chairman, members of
8 this Committee, I think there is one basic issue here:
9 There is no question that unicameralism will work. So
10 will bicameralism. But the one big difference as I see
11 it is that the legislature, the legislative branch, would be
12 able to efficiently, purposefully meet their needs of the
13 people through unicameralism.

14 My experience has shown, as I served in both
15 houses of this body of the legislature, that there was so
16 much sleight of hand, that the problem was if we didn't
17 do too much in government we did too little. And as the
18 days go on and the years, into the future, we are going to
19 have great, great problems to face, and I wonder if we
20 can afford the luxury of a lot of elected officials.

21 I think that the time has come that we must

1 meet the problems of the people, and there is no question
2 in my mind that a small, visible body can do it more effec-
3 tively.

4 THE CHAIRMAN: Delegate Gallagher.

5 DELEGATE GALLAGHER: Mr. Chairman, I yield
6 five minutes to Mr. Gilchrist.

7 THE CHAIRMAN: Delegate Gilchrist.

8 DELEGATE GILCHRIST: Mr. Chairman, ladies
9 and gentlemen of the Convention:

10 I was accused at one point in the debate on this
11 in our committee of being the non-resident expert from
12 Nebraska. I reached this status because I thought I would
13 profit by looking at Nebraska's experience with the uni-
14 cameral legislature, and find out what their background was,
15 what the origins of the system were, and how it had proved
16 out in practice.

17 I might say that the idea of the unicameral
18 legislature in Nebraska originated in 1913 with a man
19 named Norton.

20 In 1932 or '33 George W. Norris, a senator,
21 then on the outs with the Republican Party to which he

1 belonged, picked up the idea and threw it into the Nebraska
2 election as a Constitutional amendment.

3 Senator Norris did this on a very cute basis.
4 In the depths of the depression the Nebraska legislature,
5 following the Roosevelt landslide in 1932, had been com-
6 pletely changed; almost every face was new. They had a
7 horrible session. They were totally unable to cope with
8 the problems which appeared before them.

9 On top of this, the senator decided that it
10 would be a good idea to reduce costs, and that it could
11 be sold on this basis; so they made up a three section
12 amendment to the Constitution of Nebraska, providing that
13 the total salary of the members of the House in this
14 new body should be \$37,500, for all the members, thus
15 producing the beneficent salary of \$872 per legislator.

16 He put together this proposal and sandwiched
17 it in on the ballot between a proposal to repeal prohibition
18 in Nebraska and a proposal to reintroduce pari-mutuel
19 betting. All three passed.

20 Following this, I thought it would be useful
21 to take a look and see what kind of services Nebraska

1 has produced and what kind of results this system has
2 produced..

3 I found that Nebraska, with a population of about
4 half that of the State of Maryland, has a budget about
5 one-fourth that of the State of Maryland, a larger percentage
6 of which is devoted to legislative expenditures than is that
7 of Maryland. I found they are operating under a Constitu-
8 tion which has been amended more than a hundred
9 times, including such amendments as in 1920 adopting the
10 English language as the official language of Nebraska.

11 I found that they paid their jurors the 43rd
12 salary in the nation in the order of pay. I found that
13 a legislature of 49 people requires 19 committees to do
14 its work.

15 When I looked to see what the arguments were
16 for this, I found among them that the League of Women
17 Voters proposal, not proposal but their memo of recent
18 years on why the unicameral system works in Nebraska,
19 I found that it is more representative because legislative
20 districts were set up with populations as the determining
21 factor.

1 We have that.

2 The rules have been simplified to provide for
3 most careful consideration of proposed legislation. Eagle-
4 ton will take care of that.

5 Research facilities are available to the member-
6 ship. This is also an Eagleton proposal.

7 The system eliminates conference committees
8 and fixes responsibility for action in the legislature.
9 There are Eagleton proposals on this.

10 By the election on the non-partisan basis the
11 members vote on principle rather than on party line,
12 and even Mr. Hanson has not suggested that we adopt non-
13 partisan procedures. I don't know whether he expects them
14 to vote on party line rather than on principle, because
15 of this remark.

16 THE CHAIRMAN: Delegate Gilchrist, you have 50
17 seconds.

18 DELEGATE GILCHRIST: The present system has
19 attracted men who would not otherwise serve.

20 The Nebraska experience has been no better and
21 probably no worse than the rest of the States.

1 One person appeared before us, a Nebraskan
2 who spent seven and a half years observing the Nebraska
3 Legislature, a partisan. He says that they operate like
4 49 different political parties.

5 The Kansas Commission on Constitutional Re-
6 vision a few years ago expressed my philosophy on this.
7 They said they recognized the whole tradition and the
8 widely varying views that exist; that on this issue they
9 decided that the effort to achieve the practicable, less
10 than perfect, is to be preferred to a vain attempt to
11 achieve the ideal.

12 THE CHAIRMAN: Thank you.

13 Before recognizing Delegate Hanson we will
14 pause a few moments to change the tape.

15 Delegate Hanson.

16 DELEGATE HANSON: Mr. Chairman, I yield
17 three minutes to Delegate Grumbacher.

18 THE CHAIRMAN: Delegate Grumbacher.

19 DELEGATE GRUMBACHER: Mr. Chairman, I have
20 the misfortune of being rather simple minded. I have
21 been a businessman all of my life until last spring, and

1 as I see this problem, it is solely one of accountability.
2 In my experience as a businessman, I found that in general
3 if you give people responsibility and hold them accountable,
4 they will act responsibly.

5 There is a certain learning theory which is
6 popularly called reinforced behavior. Overly simplified,
7 it says that if you reward certain behavior regularly you
8 will get more of that same behavior.

9 A bicameral legislature rewards deviousness.
10 It enables a legislator to advocate a vote getting position
11 for years on end without having to deliver. This reward
12 of deviousness is self-reinforcing, and is the facet of
13 bicameralism most corruptive of good government.

14 As a legislator, I believe that a unicameral
15 legislature will mitigate against this, for it will force
16 us to play the game in the open and the voters can then
17 hold us accountable for our actions.

18 To put it very, very briefly, if you make us
19 accountable, we will then become more responsible.

20 THE CHAIRMAN: Delegate Gallagher.

21 DELEGATE GALLAGHER: Mr. Chairman, I yield

1 five minutes to Delegate Burdette.

2 THE CHAIRMAN: Delegate Burdette.

3 DELEGATE BURDETTE: Mr. Chairman, I rise in
4 support of bicameralism.

5 I do so with the thought of leaving the approach
6 of mechanics of legislation and emphasizing the purpose of
7 a legislative body.

8 One thinks at first glance that perhaps a
9 legislative body needs to emphasize efficiency of research,
10 important as it is, speed of action, important as it is,
11 and simplicity of organization, important as that may be;
12 but there is an underlying purpose of a legislative body
13 which is its preeminent function in the making of law,
14 that it engineers consent in the society for which it
15 is responsible.

16 The General Assembly of Maryland in the 20th
17 Century, as in a few times in its past, is encountering
18 problems of the first magnitude. Great societies which
19 have had difficulty in arranging an engineering of con-
20 sent which will acquire a general acceptance have had
21 a problem of stability.

1 American institutions, not always stable but
2 predominantly stable, have benefited from processes
3 which require long, careful, much checked legislative pro-
4 cedures, which are not alone legislative, but which attract
5 the attention of the public, which attract debate from
6 the public, which sometimes force delay from a public
7 until the great question which may divide a people can be
8 settled with a degree of acceptance, sometimes requiring
9 a degree of compromise, which our great bicameral legis-
10 latures have been able to do.

11 The point is sometimes made that municipal
12 unicameral legislatures have been effective in this pro-
13 cedure. On the other hand, no one makes any point that
14 a municipal legislature shares the extent of sovereignty
15 which a State or the national legislature holds on behalf
16 of the people, because we are engaged not in talking about
17 what law we ought to pass, or how rapidly we can pass it,
18 but it seems to me on the broader subject of how we can
19 discover the will of the people, and think about it long
20 enough, even sometimes with delay enough, to be sure that
21 it is acceptable.

1 I believe we would make a mistake in this
2 period of the 20th Century to leave the bicameral principle.

3 THE CHAIRMAN: Delegate Hanson.

4 DELEGATE HANSON: Mr. Chairman, I yield three
5 minutes to Delegate Clagett.

6 THE CHAIRMAN: Delegate Clagett.

7 DELEGATE CLAGETT: I rise, Mr. Chairman, in
8 support of amendment 1 to section 3.01 of LB-1.

9 I doubt if there is anyone in this chamber
10 who is more, or has more traditional ties, or to put it
11 slightly differently, is tied more by tradition than I
12 happen to be. However, I have been concentratedly exposed
13 to the pros and cons of this question, bicameralism, uni-
14 cameralism, for now two and a half years. You will recall,
15 Mr. Chairman, when the first vote was taken back in 1965
16 of your Commission, it was true I cast a vote in favor of
17 bicameralism. When the last vote was cast in the
18 latter part of 1966 and bicameralism was the majority by
19 a 13 to 12, I was in the minority, the unicameral column.

20 I have become convinced, after careful study
21 and careful consideration of the merits of the

1 respective arguments, that the extreme expense, the
2 gross waste of time, the high cost without value of the
3 bicameral method, was one which we no longer could follow.

4 For example, take the regular working day, to
5 get some insight into the working of our bicameral system
6 which we are now saying that we want to hold on to: Not-
7 withstanding the reduction of committees in each of the
8 respective houses, both bodies divide themselves into
9 committees and those committees are corresponding ones. A
10 matter is scheduled for hearing before the house, and
11 because it happens to be a question which is less than
12 glamorous, one which involves some technical detail,
13 some experties, a group of experts travel to Annapolis
14 when the scheduled hearing is set. A group of people
15 accompany them because of their interest in the matter.
16 They mill in the floors and about the corridors, and finally
17 in the late hours of the evening or the early hours of
18 the morning they come before the committee, and because
19 it is a committee, for example, of 32, and the late hour,
20 there are only 10 or 12 members then present to hear.

21 THE CHAIRMAN: Delegate Clagett, you have 20

1 seconds.

2 DELEGATE CLAGETT: And so, as we take the course
3 of that legislation before the Senate, a week or two later,
4 and the same effort is duplicated, three or four
5 members may be present and the matter heard.

6 When it finally is voted upon and out of
7 committee, it then must follow the course between houses
8 and the lobbyists have their day,.

9 Finally, it is in the last ten days by the
10 figures just given that the matter is considered.

11 Is that where we want to continue, or is that
12 a method we want to continue?

13 We have a chance of chartering a new course.
14 We have a chance to exert a degree of leadership and give
15 direction. The responsibility has been placed in us by
16 the people who have elected us. They are waiting for us
17 to give them a degree of leadership. Here, on such a
18 vital and constructive matter, we can give it, where stream-
19 lining of government, the fixing of responsibility, the
20 clear definition of responsibility can be accomplished.

21 THE CHAIRMAN: Your time is up.

1 DELEGATE CLAGETT: I would say, examine
2 your conscience and cast your vote.

3 THE CHAIRMAN: Delegate Gallagher.

4 DELEGATE GALLAGHER: Mr. Chairman, I yield
5 five minutes to Mr. Scanlan.

6 THE CHAIRMAN: Delegate Scanlan.

7 DELEGATE SCANLAN: Mr. President, fellow
8 delegates:

9 We have heard this afternoon an argument that
10 has raged for about 50 years in the papers, mostly of
11 political science journals, sometimes in law reviews.
12 All the arguments you have heard today have been repeated
13 ad nauseum. I suppose one would have to concede that
14 with one look at logic, purely and simply, that the uni-
15 cameralists might have a logic by a shade on their side,
16 but as Mr. Justice Holmes reminds us in the first page of
17 his volume on the common law, the life of the law has not
18 been logic, it has been experience.

19 I think the life of State government has been
20 the same way, except for aberrational excursion of Nebraska
21 and the background in which it was fully presented by Mr.

1 Gilchrist, no other American State has ventured down
2 the unicameral path.

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1 I think that far more important we do the other
2 things that are before this Convention for consideration,
3 the single member districts, the adequate compensation of
4 legislators, the abolition of local legislation, give the
5 legislature time and attention to do its important job.
6 These are the things that will bring real reform to State
7 government whether unicameral or bicameral.

8 There is one specific point I would like to
9 direct my remarks to. Although not mentioned in my
10 distinguished colleagues' remarks, in the addendum they
11 make the point, the principal ground for the bicameral
12 system has been cut away as a result of the Supreme Court
13 decision. They quote that distinguished reporter, Bradford
14 Jacobs of the Evening Sun, "The Supreme Court decision cut
15 away the ground upon which the two-House system stood
16 from the beginning".

17 Mr. Jacobs is a distinguished reporter, his
18 credentials as a constitutional historian are something
19 else.

20 From the beginning both Houses were supposed to
21 be on a population basis in the State. I would like to quote

1 on that point also making the basic point on which bi-
2 cameralism stands, Woodrow Wilson, before he was President
3 of the United States, one of the great professors of
4 government and political scientists at the time, he said
5 in his great work on State government, "Reasons for Two
6 Houses in State Legislatures. There is, consequently, no
7 such historical for having two houses in the states as
8 exists in the case of the federal government. The object
9 of the federal arrangement is the representation of the
10 two elements upon which the national government rests,
11 namely, the popular will and a federal union of states. The
12 state legislatures have two houses simply for purpose of
13 deliberateness in legislation, in order, that is, that
14 legislation may be filtered through the debates of two
15 coordinate bodies, representing slightly differing con-
16 stituencies, though coming both directly from the people,
17 and may thus escape the taint of precipitation too apt to
18 attach to the conclusions of a single all-powerful cham-
19 ber. The double organization represents no principle,
20 but only an effort at prudence."

21 I might say, I wouldn't take the time to quote

1 here, the remarks of Chief Justice Warren's opinion in
2 Reynolds versus Sim, the companion case of our own
3 Maryland case, and that citation from Woodrow Wilson was in
4 our brief and consistently maintained bicameralism can
5 flourish when both Houses are maintained on a substantially
6 equal population basis.

7 The majority of the court bought that argument, an
8 and in extended remarks, I will not quote now, except maybe
9 the first sentence, he said "We do not believe that the
10 concept of bicameralism is rendered anachronistic and
11 meaningless when the predominant basis of representation
12 in the two state legislative bodies is required to be the
13 same -- population."

14 He goes on in effect to requote the remarks from
15 Wilson and explain why bicameralism can very well work on
16 a substantially equal population basis.

17 THE CHAIRMAN: You have one minute.

18 DELEGATE SCANLAN: Thank you. I did want to
19 reply to the specific argument unicameralists made and,
20 quoting Mr. Jacobs, it is not true it has no basis in
21 historical fact. I did think it important to point it out.

1 Other arguments have been well covered by those who spoke
2 in favor of bicameralism. It is a close case, but I don't
3 think the game is worth the candle. For the more important
4 reforms which we seek in the end, I stake my case with
5 Woodrow Wilson, Earl Warren, and George Washington.

6 THE CHAIRMAN: Delegate Hanson?

7 DELEGATE HANSON: Mr. Chairman, I yield two min-
8 utes to Delegate Bryson.

9 THE CHAIRMAN: Delegate Bryson:

10 DELEGATE BRYSON: Mr. Chairman, I should like
11 to speak briefly on the issue of the two-house versus
12 the one-house General Assembly. I appreciate and respect
13 the fact that the Committee on the Legislative Branch
14 voted 3 to 1 in favor of a two-house Assembly. I am afraid,
15 however, that this vote represents a failure to take ad-
16 vantage of an opportunity which may not come again for a
17 long time to move forward to a better system. That this
18 failure is largely the product of a human ingrained resis-
19 tance to change.

20 We have recently witnessed a basic change
21 through the enforcement of the one man, one vote principle

1 in the structure of our election system. With this should
2 come in my opinion realistic adjustment to the new
3 principle that elected officials represent people, not
4 places.

5 The second house historically represented
6 places rather than people and so under changing circum-
7 stances, its functions have disappeared. We can make
8 theoretical argument that serve to hide our reluctance to
9 recognize the change. But it is impossible to hide the
10 fact, obvious to those who wish to see, that the two-house
11 system is cumbersome, expensive, and inefficient, and that
12 it limits our continuing power to adjust to change as
13 rapidly as circumstances require.

14 The plan reported by the Committee contemplates
15 one hundred and five election districts --

16 THE CHAIRMAN: Delegate Bryson, you have thirty
17 seconds.

18 DELEGATE BRYSON: -- each of which would be
19 represented by one delegate and each three of which would
20 also be represented by one senator. I do not see that
21 the senatorial representation of three districts would be

1 significantly different from the representation of the same
2 three districts by the three delegates. It would simply
3 be more of the same. That is sheer duplication of the
4 representation. I find no need for it or advantage to it.

5 THE CHAIRMAN: Delegate Gallagher?

6 DELEGATE GALLAGHER: mr. Chairman, in view of
7 the fact that I have no further delegates who have indicated
8 a desire to take part in the controlled time debate, I will
9 simply bow to Mr. Hanson and the continuation of his pre-
10 sentation:

11 THE CHAIRMAN: Delegate Hanson?

12 DELEGATE GALLAGHER: Excuse me.

13 THE CHAIRMAN: Delegate Gallagher.

14 DELEGATE GALLAGHER: If there are members who
15 wish to be given even time, I will be happy to do so.

16 THE CHAIRMAN: How much time do you yield to
17 Mr. Bennett, five minutes, hoping it is sufficient?

18 DELEGATE BENNETT: Thank you, sir, but I rise,
19 Mr. Gallagher, for another purpose. (Laughter.)

20 THE CHAIRMAN: For what purpose does Delegate
21 Bennett rise?

1 DELEGATE BENNETT: I wish to ask him a question
2 if he will permit me, one that I neglected during this
3 period of so-called clarification we had.

4 THE CHAIRMAN: Delegate Gallagher, will you
5 yield for a question?

6 DELEGATE GALLAGHER: I am afraid I will.
7 (Laughter.)

8 DELEGATE BENNETT: In your very effective
9 service here in the legislature, Mr. Gallagher, you have at
10 times, I take it, served on conference committees when
11 there have been disagreeing votes of the two branches of
12 the legislature. In that conference committee, you have
13 come out, I take it, as does the Congress of the United
14 States, with a bill which is completely different from
15 that either passed by the House of Delegates or the
16 Senate and enjoys a low visibility that that sort of pro-
17 cedure presented.

18 What I want to know is whether or not such a
19 procedure not only is of low visibility as I say, but does
20 it not thwart the will of both houses and therefore some-
21 thing not to be applauded?

1 THE CHAIRMAN: Delegate Gallagher?

2 DELEGATE GALLAGHER: I would say on those occa-
3 sions I was a member of a conference committee I merely
4 perceived more aptly than the members of the House their
5 true intention. (Laughter.) Answering the gentleman
6 specifically --

7 THE CHAIRMAN: I might add that is the Irish
8 answer to the question.

9 DELEGATE GALLAGHER: I would say to the gentle-
10 man there were occasions when the conference committee
11 improved considerably upon the product of both the
12 House and Senate, but I will admit there may have been
13 a genuine variation from what they thought they had agreed
14 to.

15 THE CHAIRMAN: Delegate Hanson?

16 DELEGATE HANSON: Mr. Chairman, I should like
17 to yield three minutes to Delegate Hardwicke.

18 THE CHAIRMAN: Delegate Hardwicke?

19 DELEGATE HARDWICKE: Mr. Chairman, members
20 of the Committee, in order to add something maybe new and
21 different to what has been said here this afternoon on this

1 very important subject I would like to speak as one who
2 sat for four years in this bicameral legislature, and I
3 would like to point out that a great many of the problems
4 which I observed in our legislature in action were irrevoc-
5 ably and inseparably tied in to the bicameral system.

6 I recall one occasion where a local bill in
7 Harford County was passed in the House of Delegates and
8 was lost on its way to the Senate. I see our Senator is
9 here as a delegate this evening. He may recall the occa-
10 sion. It was lost on its way to the Senate and never
11 found until after the session was over, much to our em-
12 barrassment. This kind of thing happens more often than the
13 public ever realizes. Those of us who are lawyers may
14 recall many occasions when he remembers specifically a certain
15 bill passed the House of Delegates or the Senate; so you
16 assume it became law and it is not until you get ready to
17 rely upon it when dealing with clients, you realize it
18 was killed on the other side. This failure of communica-
19 tion is basic in the system. There is practically no way
20 to overcome it. You have to have a chart with computer
21 buttons and all kinds of electronic gadgets to keep up

1 with legislation between the two houses.

2 The bicameralists suggest -- this is the
3 crucial part of their argument -- they say the bicameral sys-
4 tem is a basic way of killing hastily, ill-conceived
5 legislation by a cautious other house.

6 The way it works is, cautious, well-considered
7 legislation is killed by a hasty other house. The truth
8 of that statement is inherent in the way it operates be-
9 cause the cautious legislation that one house puts through
10 in the 60th or 71st days of its session is generally dis-
11 posed of in the last ten days over on the other side. The
12 statistics that we presented show that.

13 Instead of having your coffee poured from the
14 saucer to the cup, you are pouring the coffee from the
15 cup to the saucer. All of the coffee in the cup is poured
16 into the saucer in the last few days of the session, and
17 I submit all of it doesn't get drunk by the people of
18 the State of Maryland. Thank you.

19 THE CHAIRMAN: Delegate Hanson?

20 DELEGATE HANSON: Mr. Chairman, I have a num-
21 ber of other people who indicated a desire to speak

1 under the controlled time. But if the Chair could take
2 some kind of sense of the Committee, I think I could
3 reserve the time remaining for rebuttal at the end and
4 perhaps if the people who have agreed to speak have no ob-
5 jection, they might speak under the uncontrolled time seg-
6 ment.

7 THE CHAIRMAN: The Chair would be disposed in
8 view of the hour to continue the debate with the uncon-
9 trolled time, but I don't believe that we could permit
10 you then to come back and have sole rebuttal, Delegate
11 Hanson.

12 DELEGATE HANSON: I was not suggesting I might
13 have sole rebuttal but that the Chairman of the Committee
14 on the Legislative Branch and myself might reserve an
15 equal amount of time for rebuttal.

16 THE CHAIRMAN: The Chair will proceed with un-
17 controlled time and allow each of you at the end of the
18 debate as to which time is uncontrolled whatever time the
19 shorter time that the two of you have, I am not sure
20 which that is.

21 Are there any other delegates who desire to speak

1 either for or in opposition? I think we should take first
2 delegates speaking for the amendment. Delegate Borom, do
3 you wish to speak for the amendment?

4 DELEGATE BOROM: Yes, Mr. Chairman..

5 THE CHAIRMAN: May I call to your attention
6 that each speaker in this portion of the debate is limited
7 to five minutes.

8 DELEGATE BOROM: That is more than anticipated
9 otherwise. Many speaking in behalf of unicameralism as I
10 listened to some of our experienced legislators talk about
11 the way the system operates, conference committees, it
12 occurs the issue here is probably not between bicameralism
13 or unicameralism, but tri, bi, and uni. On the con-
14 ference committee we have the third level in the govern-
15 mental system.

16 One of the reasons I am anxious to speak is that
17 earlier someone alluded to the origin of the unicameral
18 system in Nebraska and the way in which the distinguished
19 Mr. Norris succeeded in having this come through. I would
20 submit, I think all the former and present legislators
21 would agree, that many good things that have come through

1 any legislative body often have been hidden. I think
2 rather than belittle Mr. Norris for the way he achieved
3 unicameralism in Nebraska, we should commend his ingenuity.
4 The people of Nebraska have not rejected unicameralism
5 after all these years. The advocates of bicameralism are
6 really grasping at straws when they talk about reapportion-
7 ment, and the effect on the bicameral system. There is
8 no assurance whatever that reapportionment will bring
9 quality of legislators or will rid us of the hidden manner
10 in which much work gets done in the General Assembly.

11 I would like to borrow from the Committee's
12 Report the well used expression, one cannot see the forest
13 for the trees. I think this is one of the problems. We
14 talked about the fact that the electorate does not trust the
15 General Assembly. They can't see the forest for the
16 trees. Too many people there, two bodies, too much good
17 legislation goes down the drain in the process. I think
18 if we hang our hats on this, it is a false hook.

19 also

19 I/would further suggest that perhaps the
20 people's elected representatives feel they need this
21 buffer between themselves and the electorate. I don't

1 know why they feel they need this buffer, but nevertheless
2 I am concerned that they feel they need the two houses
3 in order to hide some of what they may be doing.

4 I am very concerned the electorate does not have
5 the opportunity to know exactly what its legislators are
6 doing, really doesn't have the opportunity to reach them
7 effectively. Part of my experience has been on the other
8 end. I am not a politician. I have been with groups of
9 people who made the effort to reach their elected represen-
10 tatives. I think it provides a system for builtin frustra-
11 tion for the electorate. He has to have endurance and will
12 power. He does not have the financing the lobbyist has
13 nor the skill. For this reason, much of what he would like
14 to see the General Assembly pass, really gets overlooked.
15 I would suggest ^{the} bicameral system prevents government for the
16 people rather than providing government for the people.

17 THE CHAIRMAN: Is there any delegate who desires
18 to speak in opposition to the amendment? Delegate
19 Schloeder.

20 DELEGATE SCHLOEDER: Thank you, Mr. Chairman.
21 As I see the amendments being put forth by the unicameralists

1 it breaks into two areas, one the historical argument. I
2 think it is purely historical as a student of history and
3 political science. That, as I understand it, the real
4 main thrust of unicameralism was an attempt to provide
5 an answer to gerrymandering and malapportioned legisla-
6 tures. I would submit that the recent Supreme Court deci-
7 sions on reapportionment have put to rest that argument.
8 Even that constitutional expert, Mr. Bradford Jacobs would
9 agree the 1966 State legislature of this State was a very
10 good step in the right direction. It would seem to me
11 that historical argument is no longer a feasible one or
12 valid one. I think the second argument, as I understand
13 it is an argument for visibility, for responsibility for
14 accountability and for efficiency.

15 I would also submit, as people have already
16 done this afternoon, that these things, I agree with all of
17 them, are best achieved not by a unicameral legislature,
18 but rather by just those things, by visibility through
19 smaller election districts, through a greater ^{press}/responsibil-
20 ity, I think the responsibility, accountability, and
21 efficiency can all be far greater achieved through the

1 other reforms that are presented in this, what I think on
2 the whole is a fine legislature article. Thank you.

3 THE CHAIRMAN: Any other delegate desire to
4 speak in favor of the amendment? Delegate Wagandt, do
5 you desire to speak in favor?

6 DELEGATE WAGANDT: Yes.

7 THE CHAIRMAN: Delegate Wagandt.

8 DELEGATE WAGANDT: I would call attention to just
9 one point. In 1922 the voters of Baltimore City approved
10 to
11 a charter amendment /change the City Council from a
12 bicameral to a unicameral body. It is my understanding
13 that this has been the pattern throughout this century to
14 change in the large metropolitan centers from a bicameral
15 to a unicameral legislative body.

16 I am aware of no movement to readopt bicameral-
17 ism wherever the people of that particular city have had
18 the chance to taste of the advantages of a one-house
19 legislative body.

20 Dr. Burdette has quite rightly pointed out that
21 a city council exercises far fewer powers than a State
legislative body. So I would then turn your attention to

1 this Constitutional Convention. Here we are participating
2 in perhaps the most important deliberative body in Mary-
3 land to sit during the last one hundred years. Careful
4 attention is being given to every word for our work may live
5 another hundred years.

6 I would pose this question. Would anyone here sug-
7 gest that the work of this Convention be sent across the
8 hall to the Senate Chamber to have another elected body go
9 through the same process that we have just done? If
10 your answer is No, then I would suggest that you join us
11 in support of unicameralism. Thank you.

12 THE CHAIRMAN: Any delegate desire to speak in
13 opposition to the -- Delegate Byrnes.

14 DELEGATE BYRNES: I would like to, if I could,
15 Mr. Chairman, inject, I hope, a new thought into this
16 dialogue. Many of us concerned over the mounting, rapidly
17 mounting, intergovernmental relations problems we are facing
18 in all States -- have a great deal of difficulty adjusting
19 ourselves to regional aspects. We have a great deal of
20 difficulty adjusting ourselves in the national-state
21 relationships. I would suggest that is is possible in the

1 future that the Senate or House may adjust their rule so
2 that one house becomes responsible for one area of State
3 responsibility and the other house responsible for a
4 different area.

5 I suggest there could be in the future a
6 division of responsibility, perhaps exclusive, perhaps not.
7 But I suggest it is a thought we should all consider.
8 Therefore, I would oppose the amendment. Thank you.

9 THE CHAIRMAN: Does the delegate desire to speak
10 in favor? Delegate Marion.

11 DELEGATE MARION: Mr. Chairman, with all due
12 respect to the eminent Chairman of the Committee on the
13 Legislative Branch and to Delegate Schloeder, my friend and
14 colleague, I rise to speak in favor of the amendment.

15 Delegate Schloeder and I, when we were cam-
16 paigning together for election as delegates to this Con-
17 stitutional Convention had occasion on many times to
18 discuss this very issue with groups of citizens whose votes
19 we were seeking. We came to speak on opposite sides of
20 the question even though I began by feeling that I leaned
21 toward bicameralism. The more I discussed and debated the

1 issues, I came to realize that logic should outweigh
2 tradition.

3 Senator Norris back in Nebraska some thirty-some
4 years ago stated the case for unicameralism there. He said
5 this. A State should be a business institution and not a
6 political machine. Its government should be conducted
7 on business principles. It should transact its business
8 much as does a great corporation with the governor as the
9 president, the legislature as the board of directors, and
10 the people as the stockholders.

11 I don't think any great one billion dollar
12 corporation would conceive of conducting its business, cer-
13 tainly not efficiently, with a bicameral board of direc-
14 tors.

15 Delegate Scanlan quoted Mr. Justice Holmes,
16 "The life of the law is not logic but experience". But
17 what has been the experience of our State legislatures in
18 too many of the last years? About two years ago, Newsweek
19 Magazine referred to State legislatures generally as the
20 shame of the States. It made the point many citizens had
21 lost confidence in their State legislatures. They had given

1 up on trying to find out what goes on in their State legis-
2 lature and became discouraged and pessimistic about State
3 governments for that very reason.

4 I submit, Mr. Chairman, that a legislature
5 with a double image too often gives citizens the idea it is
6 all done with mirrors.

7 The argument is placed that there should be
8 checks and balances. I see in this argument one which
9 produces and encourages irresponsibility and despite
10 Mr. Bradford Jacobs' qualifications or lack of them as a
11 constitutional authority, his qualifications as a political
12 commentator are well-known. He referred last Friday to
13 the old Annapolis shell game, a game where none can tell
14 from the outside who did what to whom, let alone why.

15 Another commentator posed the problem in this
16 fashion. It is common for the members of one house to
17 feel that if there is any error or any bad feature in a
18 bill when it passes, the other house will surely/out for
19 it. Each depends on the other and neither watches as closely
20 as it should.

21 That remark was made by Governor Norbeck of South

1 Dakota fifty years ago in urging that his State seriously
2 consider adoption of the unicameral legislature. The
3 criticism he saw of the bicameral system exists today.

4 Mr. Chairman, checks and balances would be re-
5 tained under a unicameral legislature. There is the
6 governor's veto. There is judicial review. There is the
7 process of referendum. But I think far more important,
8 there is public accountability clearly focused on legis-
9 lative action. Because I believe that unicameralism and
10 not bicameralism would enhance prestige, create visibility
11 and focus responsibility, I believe it should be adopted
12 here and now in this State. We are creating a legislature
13 not for the legislators but for the people of Maryland.

14 THE CHAIRMAN: Delegate Marion, you have one-
15 half minute.

16 DELEGATE MARION: With all due respect to George
17 Washington's teacup theory, I would prefer to see us
18 adopt the Mulligan cup. If we need to cool it, we exercise
19 a degree of responsibility and put it down. Major change
20 in the machinery of State government requires courage. I
21 urge those people in this Convention who are almost

1 unicameralists to muster that courage to shoulder the
2 responsibility which we would like to see exercised by
3 our State legislature, and vote favorably for Amendment
4 No. 1. Thank you.

5 THE CHAIRMAN: Any delegate desire to speak in
6 opposition to the amendment? Delegate E. J. Clarke.
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1 DELEGATE CLARKE: Mr. Chairman, ladies and
2 gentlemen of the committee, I rise in opposition to the
3 amendment. A great deal has been said this afternoon
4 about the pressures, influences brought to bear on the
5 General Assembly and the inefficiencies and the last-minute
6 rush for legislation. A great deal has been said about
7 what has happened in years gone by.

8 If I may, I stand to be corrected; let's bring
9 the record up to date.

10 Shortly after the last General Assembly adjourned
11 the last session, if I am not correct, I stand to be
12 corrected, the Washington Post, the Evening Star, the
13 Baltimore Sun, the New York Times, Life Magazine, radio
14 and TV commentary wrote, or in other words, described
15 editorially the General Assembly of Maryland. In effect,
16 they all agreed on one thing, that the last session of
17 this General Assembly of Maryland, which was composed of
18 many, many freshmen, was outstanding in its efforts and
19 in its accomplishments.

20 We worked hard. Certainly we had the pressure
21 of last-minute bills going back and forth. This is not

1 uncommon in any legislative body. For example, this is
2 common practice in the Congress of the United States when
3 many conference committees are appointed.

4 Mr. President, ladies and gentlemen of this
5 Convention, I am not ashamed of the actions of this new
6 General Assembly. As a matter of fact, I am proud of them.
7 Thank you.

8 THE CHAIRMAN: Does any delegate desire to
9 speak in favor of the amendment?

10 DELEGATE JETT: Mr. President, fellow members
11 of the Convention, I feel that I must speak in favor of
12 unicameralism because I think it is the vehicle that we
13 must use to go forward into the future. It seems to me
14 that we have to deal with the situation that exists today
15 whether we like it or not we have the one-man, one-vote
16 concept with us.

17 I do not think there is a man or woman in this
18 group that does not realize the one branch of this government
19 that needs strngthening, upholding and upbuilding is the
20 Legislative Branch. The image of the legislator in the
21 minds of the average man and woman can stand nothing but

1 enhancement and improvement. I mean no reflection on
2 the great men of the past who have come and served this
3 State at great sacrifice, but the legislature I think in
4 the terms of this bicameral amendment is being given a
5 gratuitous disservice. It is being told we do not trust
6 you to act independently as men elected to represent us
7 but we want two shots at it.

8 I think we need to know and let the men that
9 we elect know we trust you, we want you to come down here
10 and adequately represent us without fear or favor.

11 I want to go further. I think as Marylanders we
12 stand here today with the concept that we may have a lot
13 of history. Maryland has never been afraid to step forward
14 in the front ranks of any forward movement, regardless of what
15 her sister states have done or not done. If the unicameral system
16 is the vehicle that should take us into the future, we
17 should not hesitate and stand back because our sister states
18 have not acted.

19 I sincerely believe that visibility, responsibility
20 is the keynote of this very important amendment, that
21 men and women will be attracted to this body, will

1 represent this state adequately and admirably if they
2 realize they have been elected and given one vote and
3 one responsibility to represent their constituents and
4 no other.

5 For that reason, I am for the amendment.

6 THE CHAIRMAN: Any delegate desire to speak
7 in opposition to the amendment?

8 Delegate Sickles?

9 DELEGATE SICKLES: Mr. Chairman, like I had
10 hoped, most of the delegates here, even though we thought
11 about it and talked about the problem of bicameral versus
12 unicameral for many years, I came down with an open mind.
13 I must admit as one who is very emotionally attached to the
14 bicameral system because I am a product of that system,
15 I tried to be as unemotional about it in listening to the
16 arguments and I must admit also most of the arguments I had
17 in favor of bicameral system have been answered reasonably
18 satisfactorily. But I have been listening to the arguments
19 in favor of the unicameral system, and as one who I believe
20 has never cast a vote he could not defend, I cannot bring
21 myself to support unicameral system for the State of

1 Maryland because whether we have one house or two houses,
2 the one house can encumber itself just as two houses
3 encumber themselves by rules. I was in the General Assembly
4 here in the House of Delegates for eight years and I can
5 tell you that the General Assembly expressed its will.
6 It may not have been the will of the people because of the
7 improper apportionment of both houses, but it expressed
8 its will. It passed what it wanted to and it did not
9 pass what it did not want to.

10 I do not think one or two houses would have much
11 to do with that. I think part of that problem has been
12 cured as a result of the reapportionment of both houses.
13 I must also add that it did not pass what I wanted to pass.
14 It did not pass my bill.

15 I might say with respect to the U. S. House of
16 Representatives or the Congress of the United States, that
17 many critics are concerned with what we do not pass but
18 they are really more concerned that they do not pass what
19 the critic wants them to pass, not that they don't exercise
20 their will.

21 It was my pleasure to be in two Congresses

1 that produced much legislation because that is what they
2 wanted to do. I would suggest to you that the examples that
3 have been given do not persuade me that there would be
4 anything magic about our having a unicameral one-house
5 system. Nebraska, I don't think can be used as an example
6 either for or against. It just does not have the problems
7 we have in this state.

8 I spent many hours in the major cities of this
9 country as a member of the Education and Labor Committee
10 concerned with the Poverty bill. I can tell you that the
11 unicameral city councils of the great urban centers of
12 this country have not done a creditable job with respect to
13 solving the problems of their communities. There is nothing
14 magic about one house. Therefore, I should continue to
15 be, I guess, a traditionalist and support bicameral system
16 for the State of Maryland.

17 THE CHAIRMAN: Is there any delegate who desires
18 to speak in favor?

19 Delegate Willoner?

20 DELEGATE WILLONER: Mr. Chairman, I rise to
21 speak in support of the unicameral legislature. I do that

1 because I think it is one of the most important issues
2 confronting this body. The argument just made by Delegate
3 Sickles is an interesting argument. It is the argument
4 of the traditionalist. Nevertheless, the history that has
5 developed in our state legislatures as has been pointed out
6 in the prior discussion, has shown that they have not
7 delivered and the answer has been that the people could go to
8 the Federal Government.

9 I think we are all states righters here or we
10 would not be here in that we believe the State of Maryland
11 should continue to exist as the State of Maryland.

12 I challenge you that if we do not act in this
13 area and give the State of Maryland the strongest possible
14 government, we all may end up within the next hundred years
15 as the Eastern District of the United States.

16 It seems to me that we are moving in the direction
17 of a strong executive. We are moving in the direction of
18 a strong judiciary. But we want to hamper our legislature.
19 That is the body that is closest to the people. That is
20 the body that directly represents the people. That is the
21 body that should be the most powerful body. Yet we want

1 to hamper it with this two-house method. It just seems
2 to me, Mr. Chairman, that this is an opportunity to perhaps
3 lead other states into a movement of getting government
4 back to the people, back to the states. I personally honestly
5 believe the State of Maryland should continue to exist
6 and is a viable area and is a logical area for government.
7 I think perhaps if we do not take this step we will be
8 taking a step backwards inasmuch as we will have to continue,
9 as the people have in the past, to go to the Federal Govern-
10 ment to have their problems answered.

11 It has happened in the past, not only when the
12 Federal Government has not acted in a bicameral legislature,
13 they have gone to the courts and got the answers. The
14 courts are so insulated from the people, it is silly. We
15 heard much talk in this Convention by conservatives, for
16 example, that these nine old men are running our country.
17 Perhaps if the legislature had acted, the people would have been
18 able to set the standard by which they wanted to live.

19 It is a sad thing that this has happened, but it
20 has. I feel the unicameral system will lead us into the
21 Twenty-first Century and give us the kind of government we

1 want.

2 THE CHAIRMAN: Any other delegate desire
3 to speak against the amendment? Delegate Hutchinson.

4 DELEGATE HUTCHINSON: Mr. Chairman, I believe Mr.
5 Willoner's key word was the word "perhaps." "Perhaps"
6 the unicameral system will lead us into the future. "Perhaps"
7 it will not. But we have seen that the bicameral system
8 in the State of Maryland has been the system that has been
9 effective. The people have been well-represented. The
10 legislature has done a good job.

11 As it was pointed out before, the legislature
12 in the state of Maryland '66 was one known to be a very
13 effective organization and they worked well and worked well
14 together.

15 I don't think we should stick out our neck.
16 What happens if the unicameral system does not work? Do
17 we have a system that will last for many, many years, not as
18 an effective system? I believe the bicameral system has
19 been effective and we should stick with it.

20 THE CHAIRMAN: Any other delegate desire to speak
21 in favor?

1 Delegate Needle?

2 DELEGATE NEEDLE: Mr. Chairman, I rise to speak
3 in favor of the unicameral legislature. The arguments which
4 have been presented have been well documented in Minority
5 Report No. 1, well-stated by all those who expressed their
6 views here today. I won't express them again ad nauseum.
7 However, since we have the unique opportunity in this body to
8 take a giant stride into the future, one of the great
9 opportunities for us to make a real advancement, I suggest
10 to you that the General Assembly has recognized the virtues
11 and desirabilities of a unicameral form of deliberative
12 body.

13 I suggest that they now have the tricameral system
14 by virtue of the conference committee, that all-powerful com-
15 mittee to which too many bills are referred. It is a
16 single deliberative body.

17 This is also true with regard to the Legislative
18 Council. I submit that if the General Assembly were so
19 convinced of the virtues of the bicameral system, they would
20 have created a bicameral Constitutional Convention. I
21 shudder to think that this Constitutional Convention

1 would have to labor under the disadvantage of having
2 to go across the hall. I suggest to you that if you
3 are convinced of the merits of that proposition, do not
4 be inconsistent. Support the unicameral system.

5 THE CHAIRMAN: Any delegate desire to speak in
6 opposition to the amendment?

7 Delegate Shabot?

8 DELEGATE SHABOT: Mr. Chairman, I rise in opposition
9 to the amendment. I wish to comment briefly on two of
10 the arguments by analogy that have been advanced by those
11 in favor of the unicameral system.

12 Firstly, the example of this Constitutional
13 Convention. I doubt that any of those who have spoken for
14 the unicameral system would say that we should do away
15 with the gubernatorial veto merely because the governor cannot
16 veto what we do here. I doubt any of them would say every
17 enactment of the legislature must be subject to popular refer-
18 endum willy-nilly merely because what we do here is subject
19 to popular referendum.

20 As to the analogy of the business corporation, I
21 think it should be clear there are many different reasons

1 for the existence of and different purposes of private
2 business organizations and the running of government and
3 that among those many differences is the concept that in
4 the running of government the concern is what is best for
5 the people and not in the making of money and votes
6 cast by the people and not by stock. Thank you.

7 THE CHAIRMAN: Any delegate desire to speak in
8 favor of the amendment? Delegate Winslow?

9 DELEGATE WINSLOW: Mr. Chairman, I rise with
10 some trepidation for I am one of those political scientists
11 that some delegates here distrust. Forty years ago, before
12 most of the people in this assembly were appreciative that
13 there was such a thing as a bicameral legislature, I spent
14 some time in this building making a study of the system
15 of legislation and its procedure.

16 Mr. Scanlan, Delegate Scanlan, has suggested
17 that what we ought to do is not live by theory but live by ex-
18 perience. I accept that. Forty years ago I came to the conclu-
19 sion that the General Assembly of Maryland was not doing
20 an effective job. I made a suggestion at that time that
21 what we ought to do was to go to a unicameral system.

1 This, I repeat, was 40 years ago. I have kept a weather
2 eye on the General Assembly from that time to this and
3 I have as yet no indication that I will change my opinion.
4 The experience of the last 40 years in this State would
5 indicate that there is something wrong in our legislative
6 system and that we had better change it.

7 I was particularly entertained, I may say, by
8 Delegate Gilchrist in his remarks about Nebraska. I shall
9 not raise a question about the historical accuracy about
10 some of his remarks, but I suggest two things: First, you
11 will have noticed before he sat down he introduced some of
12 the reforms taking place in Nebraska and answered the
13 Eagleton Study will take care of that in Maryland. What has
14 the Maryland legislature been doing for forty years that
15 they have to wait for the Eagleton Study to do these things
16 which the Nebraska unicameral legislature by his own state-
17 ment has already done?

18 In connection with Nebraska -- I do not use
19 Nebraska particularly because I think you can prove anything
20 from one state to another, but to set the history straight--
21 in a recent article appearing in the magazine State Government,

1 written by a man who moved to Nebraska, not a Nebraskan
2 who grew up in the Norris tradition, if you please, a study,
3 the most recent study of unicameral system in Nebraska
4 says this: "In Nebraska, the unicameral system enjoys over-
5 whelming support from the public, from the leading newspapers
6 from the interest groups and from the State's political
7 leaders."

8 This would seem to me to be an indication that in
9 Nebraska the general population has pretty well accepted
10 the idea that what they have there is better than what they
11 had before.

12 What they have there now may not be better than
13 what we have here. That is not the point. The point is that
14 the unicameral system in Nebrasks produced a better legis-
15 lature than they had had before. I am perfectly willing
16 to live by experience. My experience does not indicate
17 that we should continue with the bicameral legislature.

18 In the third place, I would like to make allusion
19 to this teacup theory. It is always brought up, Washington
20 and Jefferson were great men, but they lived in the Eighteenth
21 Century. We no longer pour the tea in the saucer. At least,

1 I have not seen anybody pour tea in a saucer since I was
2 a boy on the farm.

3 THE CHAIRMAN: Delegate Winslow, you have one
4 minute.

5 DELEGATE WINSLOW: Thank you.

6 The teacup theory in 1789 was expressed at
7 a time when the philosophy of government was that government
8 is best which governs least. We have long since discarded
9 that theory. We no longer believe in that theory. If what
10 you want is a government which can obstruct, if what you
11 want is a legislature which can keep from legislating, for
12 heaven's sakes, keep bicameral system, add another house,
13 add another house, add as many as you please.

14 If you want a legislature which can work, which
15 is visible, which is responsible, let's have the unicameral
16 system.

17 THE CHAIRMAN: Does any delegate desire to speak
18 in opposition to the amendment?

19 Delegate Malkus, before I recognize you, since
20 you have already spoken, let me see if anybody else desires
21 to speak in opposition. Does any other delegate desire to

1 speak in opposition?

2 Delegate Price?

3 DELEGATE PRICE: Mr. Chairman, it has been
4 suggested that people of the State are not aware of what
5 is happening. I would like to suggest that this is the fault
6 of the people of the State and not of the Senate or the House
7 of Delegates.

8 We spoke in terms of controlling the executive
9 authority. I can think of nothing more horrible for the state
10 than having an executive who would assume the posture of
11 being a potter and one house that would allow itself to
12 be the clay. I simply rise to support the bicameral system
13 for fear that we may well cut down a tree that might better
14 be left for shade.

15 Thank you.

16 THE CHAIRMAN: Delegate Mentzer.

17 DELEGATE MENTZER: I would like to offer my
18 experiences during the campaign to be delegate here in support
19 of unicameral system. We had a fairly vigorous campaign.
20 I think I spoke before 20 groups and nearly all asked about
21 this question of unicameral system versus the bicameral

1 system. The first two times I spoke I said the theory
2 I supported -- I gave all the reasons we have had here today,
3 the effectiveness of the legislature as a branch of government
4 would be increased, the efficiency in use of time, taxpayers'
5 money, the accountability of the legislators themselves, the
6 visibility of bills to the citizen at large, I would always
7 retreat and say for practical considerations I would probably
8 withhold my support from it. Voter acceptability was ques-
9 tioned, the weight of traditional system and the fact that
10 politicians in general did not like it.

11 When I came to my third meeting a man from the
12 audience challenged me and I was very thankful to him
13 ever since. He said, "You must have the courage of your
14 convictions and vote your conscience. The people of
15 Maryland want a new Constitution and want it to embody the
16 best structure possible. After that, I did not have any
17 other trouble with the other 17 meetings, at least when they
18 asked about this question.

19 THE CHAIRMAN: Any other delegates other than Dele-
20 gate Malkus desire to speak in opposition?

21 The Chair recognizes Delegate Malkus.

1 DELEGATE MALKUS: Thank you, Mr. President.

2 I had hoped not to speak twice on the subject matter, but
3 those three minutes ran out very quickly. I would just
4 like to leave this with this Convention. I asked our
5 Research Bureau of our fine committee headed by a fine
6 Chairman, how many states have rewritten or attempted to
7 rewrite their constitution since the historic decision of
8 Baker versus Carr which, Mr. President, you certainly are
9 familiar with. The answer was eight. Eight states have
10 either rewritten or have attempted to rewrite their
11 constitutions. I think five of those constitutions have been
12 ratified by the people.

13 My next question was this: How many of these
14 states since that historic decision and since the
15 rewriting of their constitution have provided for the
16 unicameral system? The answer is none. I know that Maryland
17 should not follow the footsteps of other states for the
18 sake of following their footsteps. But you are a great law-
19 yer, you believe in precedent, and all other lawyers believe
20 in precedent here. If you do not have any law at home, Mr.
21 President, you go ahead and look for law elsewhere

1 and argue your cause to the court. My argument to this
2 Convention is this: The best precedent we have is a hundred
3 years old in Maryland, 1867 is the last time she was written,
4 but other states, the eight that have attempted to rewrite
5 their Constitution, not one has provided for the unicameral
6 system.

7 THE CHAIRMAN: Delegate Cleveland.

8 DELEGATE CLEVELAND: Mr. Chairman, I am not going
9 to make a speech or repeat any arguments. I merely wish
10 to present myself as a living witness.

11 I came here in favor of the bicameral system. I
12 am now going to vote for the unicameral system.

1 THE CHAIRMAN: Does any other delegate desire
2 to speak in opposition to the amendment?

3 Delegate Cardin.

4 DELEGATE CARDIN: Mr. Chairman, I wish to speak
5 in opposition to the amendment. I feel that many of the
6 arguments which have equated Nebraska with the possibility
7 that we should entertain unicameralism have been invalid in
8 that Nebraska represents a homogeneous group, a State
9 made up of people closely allied to each other. The
10 other recommends that cities or county councils also are
11 unicameral and has the same bearing. They are homogeneous
12 groups; they are not relative to a heterogeneous group
13 such as the State of Maryland. For this reason I oppose
14 the unicameral system.

15 THE CHAIRMAN: Delegate White, do you desire
16 to speak in favor of the amendment?

17 DELEGATE WHITE: Mr. President, I rise to make
18 a simple statement that I listened four or five hours,
19 and I was able to make up my mind during the last four
20 minutes. (Laughter.)

21 THE CHAIRMAN: Does any other delegate desire

1 to speak in opposition to the amendment?

2 Delegate Stern.

3 DELEGATE STERN: Mr. President, I speak
4 against the amendment and for many reasons, but the basic
5 reason is tradition. We have learned a lot from it.
6 This past weekend, the weekend before, I was in New York
7 and saw a play in which tradition was personified. If
8 that is the case in these two chambers, I vote to keep
9 the fiddler on the roof in honor of tradition.

10 THE CHAIRMAN: Does any other delegate desire to
11 speak in favor of the amendment?

12 Delegate Harry Taylor.

13 DELEGATE H. TAYLOR: Mr. Chairman, fellow
14 delegates, I rise to speak in favor of unicameralism.
15 Bicameralism reminds me a little bit of a football game
16 where the quarterback snaps the ball to the halfback, he
17 runs and gives it to the other halfback, the fullback
18 finally gets it, and he ends up under a pile of players,
19 and none of the spectators know who has the ball.

20 I served in the legislature for four years
21 and even on the inside you have trouble knowing who has the

1 ball. There is a lot of good legislation that goes down
2 the drain. There is a lot of bad legislation that slips
3 through. The voters as spectators when the game is
4 over should have a right on election day to determine what
5 players should be traded off before the next game. If
6 we have unicameralism I think the spectators, the
7 people of Maryland, will know who has the ball, and will
8 know who to trade come next election.

9 THE CHAIRMAN: Any other delegates desire to
10 speak in opposition?

11 Delegate Kirkland.

12 DELEGATE KIRKLAND: Mr. Chairman, I might
13 say this: Having been an old football coach, I would
14 sure like to know where Harry Taylor learned his football.
15 (Laughter.)

16 DELEGATE KIRKLAND: I am one who is against change
17 for change's sake. I am truly amazed at this time to hear
18 these people talk for the unicameral system. I think under
19 the present system we have thrived, in fact I think we have
20 thrived extremely well, to the extent that I find that I
21 can hardly find chores for my son to do around my home.

1 This is because of the extremely high economic standards
2 that we have achieved.

3 I would regret and I will protest change for
4 change's sake.

5 Thank you.

6 THE CHAIRMAN: Do any other delegates wish to
7 speak on the question? If not, the Chair will recognize
8 successively Delegate Hanson and Delegate Gallagher for ten
9 minutes each for rebuttal.

10 Delegate Hanson.

11 DELEGATE HANSON: Mr. Chairman, Members of
12 the Committee:

13 We have engaged now for sometime in debate on
14 this question. It is not my desire to prolong the agony
15 of decision, but there are a few comments which I should
16 like to respond to and some things of which I would like
17 to remind the delegates.

18 We are told that the shortcomings that exist
19 in the bicameral legislature are not indigenous to the bi-
20 cameral system but are mere byproducts of it. I would
21 suggest that any of the other reforms sought by the

1 Committee that can be achieved with unicameralism can
2 probably be achieved with much greater swiftness with
3 unicameralism after these many many years of admitted
4 delay and we can have the benefits both of a body that is
5 clearly visible to the public and responsible to it, and
6 a body which will attract outstanding citizens to public
7 service because of its elevated prestige in State government,
8 and have these benefits as well as the benefits of a uni-
9 cameral body.

10 I am impressed with the concessions which the
11 bicameralists have made but while, of course, logic is on
12 the side of unicameralism -- only a shade, but nonetheless
13 we bask in that shade -- I am also interested in the
14 history of the bicameralists who would seem to suggest
15 from analogy to Nebraska, which we all admit is not
16 analogous, of course, but would seem to suggest by
17 analogy to the way in which unicameralism came into being
18 in that great State, sandwiched between repeal of prohibi-
19 tion and an amendment for pari-mutuel betting, that somehow
20 the adoption of unicameralism in Maryland would add to
21 drinking and gambling.

1 I think this is perhaps not the intention of the
2 remark, but it seems to be the implication of it.

3 It is true, as some have said here today, that bicameralism
4 can flourish in a system of equal representation.

5 I think there is no doubt of it. Any constitutional
6 authority to the contrary notwithstanding. But I think
7 it is also true that a system of equal representation will
8 be greatly enhanced through a system which promotes
9 effectively directly and clearly a high sense of public
10 responsibility by every member of the legislative body.

11 Let me recall to you the arguments with which
12 we began this debate, that we can have all the reforms
13 necessary to the legislative branch and indeed improve
14 upon those in a unicameral system; that there is a need in
15 Maryland, there is a need in State government for a much
16 stronger legislative branch, for a far more effective legis-
17 lative branch, and also that there is a greater chance for
18 more strength and unity in a unicameral system, an argument
19 which has not even been suggested to be in error by the
20 bicameralists.

21 We have suggested that the legislative process

1 would be more clearly understood and that each individual
2 member of the legislature would be more clearly accountable
3 to his constituents in a unicameral body.

4 We have not heard refutation of this argument.

5 We have suggested that a unicameral body could
6 increase the prestige of the legislature and thereby tend
7 to attract more able citizens to its service. We have
8 not heard discussion of this point.

9 What we have heard is that bicameralism is
10 traditional and we are willing to concede that bicameralism
11 is traditional. We have heard that bicameralism somehow
12 prevents hasty legislation. But we repeat the argument
13 and the facts, which we pointed out in the Minority
14 report, that indeed hasty legislation is encouraged in the
15 second house by bicameralism because if it
16 is given effective and decent consideration in the first
17 house, it can't get to the second house until it is too late
18 to give it careful and deliberate consideration.

19 We have pointed out that more bills die, 80
20 percent of all bills die in the house of their origin, the
21 house of origin does a much better job of weeding out bad

1 legislation than does the other house to which it is
2 ultimately referred.

3 Twenty-five percent of the vetoes of the
4 Governor of this State are based generally on flaws in
5 language, bad, sloppy, inaccurate language and drafting,
6 or on rulings of unconstitutionality. Does this suggest
7 that a bicameral body is necessarily more careful? I think
8 it suggests the contrary.

9 I came to this convention a bicameralist. I have
10 long been a student of state legislatures and long been
11 interested in the operation of the legislative branch of
12 government. I was convinced before I came here that bi-
13 cameralism provided a great advantage to the people in terms
14 of its representative qualities. Someone has suggested
15 the fact that during this Convention I suffered a bi-
16 cameral disease may have changed my opinion, nonetheless
17 I have become convinced since being here and looking again
18 at this question that if we want to establish in this
19 State an effective legislature, if we want to have a legis-
20 lature in which the public can have confidence, if we
21 want a legislature in which we can see who is doing what

1 to whom and why, then we need a unicameral legislature in
2 Maryland.

3 We need it not because it has worked in Nebraska.
4 We need it not because it has worked in local govern-
5 ment. We are very pleased to have the endorsement of the
6 President of the Baltimore City Council. We need it
7 not because certain groups want it or don't want it.
8 We need it because Maryland is going to need that kind of
9 legislative body which can be a full participant and a
10 full and co-equal branch of a new and revitalized govern-
11 ment in this State.

12 We sit here in Convention in order to bring
13 a rebirth of State government. This is the challenge
14 that is before us. We who support unicameralism ask for
15 your help on this vote because we believe it can be one
16 of the most effective demonstrations that this Convention
17 intends to give Maryland and the Government of the
18 State that rebirth.

19 Thank you.

20 THE CHAIRMAN: Delegate Gallagher.

21 DELEGATE GALLAGHER: Mr. Chairman and

1 ladies and gentlemen of the Committee: I would suggest
2 that the question of unicameralism or bicameralism
3 is really not a make or break issue for the success of
4 this Convention or of the advancement of better legisla-
5 tive articles. I do suggest that history has shown that
6 the bicameral General Assembly has worked and further
7 I would suggest that the reapportioned legislature which was
8 the object of so many students of government and those
9 interested in the one-man/one-vote theory, that this re-
10 apportioned legislature has been with us for a short period
11 of time. I think it would be generally agreed that the
12 work in the first session of this reapportioned legislature
13 was good work, it was commended and was recognized.

14 At this time, therefore, I believe it would be
15 appropriate to say that the reapportioned legislature in
16 a bicameral body has not been given a sufficient opportunity
17 to indicate the wealth of changes and reforms which it is
18 capable of making and which it has indicated it intends to
19 make.

20 In my earlier remarks I did not point out that
21 one of the benefits of a bicameral General Assembly is

1 to flag the public and to inform the public that a bill
2 has passed one of the houses. I think it would be
3 accurate to say that on many occasions the voters of this
4 State do not know that a bill is even before the General
5 Assembly until it reads in the paper that the bill has
6 passed the house or the senate. At that particular time
7 suddenly they realize that their interests are under close
8 scrutiny in Annaoplis and they come running down to be
9 heard in the second chamber.

10 Consequently, one of the services of the bi-
11 cameral system is that it calls to the attention of the
12 people of the State that action has been taken on a par-
13 ticular piece of legislation and does so to specifically
14 give the citizen an opportunity to be heard on it, to ward
15 it off as the case may be, or perhaps to encourage it if it
16 be the desire of the particular constituents.

17 I might say too under the bicameral package
18 that the committee has presented that if the 35 senator
19 105 member house formula were adopted, we would have a
20 total of 140 representatives in the aggregate, rather than
21 the 100 which is suggested as the amended figure if it

1 should be adopted, so we would have, therefore, 40 more
2 representatives to be made available to the people and to
3 be allowed to mix with them and to know what their wishes
4 may be.

5 I suggest that one of the avenues of obtaining
6 better citizenry representation in the General Assembly
7 and of keeping those worthwhile senators and delegates
8 who are here at great personal sacrifice is, of course,
9 to move in the direction that the Committee report has
10 indicated, to reward these people for their services with
11 proper remuneration, to give them an opportunity to have
12 better staffs, more research done, and generally to
13 act in a more responsible manner than has been done in the
14 past.

15 Putting aside the crockery of the teacup or
16 the mug, I would say the bicameral system is one which
17 we have learned to live with, it is one which the
18 people of Maryland are quite used to. It is imbedded
19 in our traditions and our history and it can be made to
20 work satisfactorily if the other provisions of the Committee
21 recommendations are accepted.

1 I would, therefore, on behalf of the majority
2 of the Committee on the Legislative Branch, oppose the
3 adoption of the amendment.

4 THE CHAIRMAN: The question arises on the
5 adoption of Amendment No. 1 to Committee Recommendation
6 LB-1.

7 For what purpose does Delegate Grumbacher rise?

8 DELEGATE GRUMBACHER: I would like to ask for
9 a roll call vote.

10 THE CHAIRMAN: The Chair will direct a roll
11 call vote.

12 For what purpose does Delegate Bard rise?

13 DELEGATE BARD: Will there be an opportunity
14 to explain one's vote on this occasion?

15 THE CHAIRMAN: There will not under the rules.

16 The question arises on the adoption of Amend-
17 ment No. 1 to Committee Recommendation No. LB-1 which is
18 to substitute the language in lines 8, 9 and 10 of Amendment
19 No. 1 for section 3.01 of the Committee Recommendation.

20 A vote Aye is a vote in favor of the amendment.
21 A vote against the Committee Recommendation is a vote in

1 favor of unicameralism. A vote No is a vote against the
2 Committee amendment. A vote in favor of the Committee
3 Recommendation is a vote in favor of bicameralism. A
4 vote Aye is a vote in favor of unicameralism; a vote No,
5 a vote in favor of bicameralism.

6 Cast your votes. Has every delegate voted?
7 Does any delegate desire to change his vote? The clerk
8 will record the vote.

9 There being 39 votes in favor, 92 votes against,
10 the motion is lost, the amendment is lost.

11 That concludes the debate on this amendment,
12 and the Chair will recognize Delegate Powers.

13 DELEGATE POWERS: Mr. Chairman, I move the
14 Committee of the Whole rise and report to the Convention
15 that we still have under consideration Committee Recommenda-
16 tion No. LB-1.

17 THE CHAIRMAN: Is there a second?

18 (Whereupon, the motion was seconded.)

19 THE CHAIRMAN: Any discussion?

20 All in favor, signify by saying Aye; contrary,
21 No. The Ayes have it. It is so ordered.

1 The Convention will please come to order.

2 (The mace was replaced by the Sergeant at Arms.)

3 (Whereupon, at 6:25 p.m. the Committee of the
4 Whole rose, and the Convention reconvened.)

5 THE PRESIDENT: On behalf of the Committee of
6 the Whole I desire to report that it still has under con-
7 sideration Committee Recommendation No. LB-1, and desires
8 permission of the Convention to sit again.

9 Before recognizing Delegate Powers for the
10 purpose of moving adjournment, I desire to announce that
11 we are honored to have on the floor this afternoon Senator
12 Edward T. Hall, Minority Leader of the Senate; and Senator
13 Roy W. Staton; Delegate William Evans; Delegate Daniel
14 Minnich; and Delegate Harry Nice. Delighted to have you
15 with us.

16 The Chair recognizes Delegate Powers.

17 Delegate Kiefer -- any announcements by Com-
18 mittee Chairmen?

19 DELEGATE KIEFER: Mr. President, the meeting
20 of the Committee on Personal Rights and the Preamble will
21 be moved back from 7:30 to 8:00 this evening.

1 THE PRESIDENT: Any other announcements by
2 Committee Chairmen?

3 Delegate Gallagher.

4 DELEGATE GALLAGHER: Mr. President, I should
5 like to call a brief meeting of the Committee on the Legis-
6 lative Branch five minutes after we adjourn.

7 THE PRESIDENT: Any other announcements by
8 Committee Chairmen?

9 Delegate Moser.

10 DELEGATE MOSER: Mr. President, the Committee
11 on Local Government will meet for a brief session at 7:45
12 this evening.

13 THE PRESIDENT: Delegate Sherbow.

14 DELEGATE SHERBOW: The Committee on State Fi-
15 nance and Taxation will meet tomorrow morning at 9:00.

16 THE PRESIDENT: Any other announcements by
17 Committee Chairmen?

18 Delegate Dulany.

19 DELEGATE DULANY: Mr. President, the Committee
20 on Public Information will meet promptly at 9:00 tomorrow
21 morning. I would like also to state that the news

1 clippings on your desk will be placed on your desk every
2 day now from the Information Office to give each delegate
3 a summary of what is going on in the Convention as reported
4 by the newspapers.

5 THE PRESIDENT: Any other announcements by
6 Committee Chairmen?

7 Delegate Boyer.

8 DELEGATE BOYER: Mr. President, your Committee
9 on General Provisions will meet this evening at 8:00.

10 THE PRESIDENT: Any other announcements by
11 Committee Chairmen?

12 Delegate Burdette.

13 DELEGATE BURDETTE: Mr. President, the

and Arranges



1 now and absent at roll call desire to record his presence?

2 Delegate Lord.

3 DELEGATE LORD: I would like to record my
4 presence.

5 THE PRESIDENT: Delegate Bradshaw.

6 DELEGATE BRADSHAW: Mr. President, the dele-
7 gates of Montgomery County will hold a brief meeting
8 immediately upon adjournment in the lounge to the rear
9 of the rostrum.

10 THE PRESIDENT: Delegate Morgan.

11 DELEGATE MORGAN: Mr. Chairman, I would like
12 to announce my presence.

13 THE PRESIDENT: Any other announcements?

14 Delegate Pullen.

15 DELEGATE PULLEN: I would like to announce my
16 presence.

17 THE PRESIDENT: Any other announcements?

18 Delegate Powers.

19 DELEGATE POWERS: Mr. President, there will be
20 a brief meeting tomorrow morning at 9:30 of the Committee
21 on Calendar and Agenda.

1 Tomorrow we will plan to continue consideration
2 of the Committee Recommendation that was under considera-
3 tion today and hopefully conclude that, and then consider
4 Committee Recommendation No. S&E-1 on the referendum.

5 I move we adjourn until 10:00 tomorrow morning.

6 THE PRESIDENT: Is there a second.

7 (Whereupon, the motion was seconded.)

8 THE PRESIDENT: All in favor, signify by saying
9 Aye; contrary, No. The Ayes have it. It is so ordered.

10 (Whereupon, at 6:30 p.m., the Convention was
11 adjourned, to reconvene at 10:00 a.m., Wednesday, November
12 8, 1967.)

13 -----

Maryland Room
University of Maryland Library
College Park, Md.

1
2
3 CONSTITUTIONAL CONVENTION

4 OF THE

5 STATE OF MARYLAND

Maryland Room

6 University of Maryland Library

7 College Park, Md.

8 -----
9
10 Chamber of the House of Delegates

11 State Capitol

12 Annapolis, Maryland

13 November 8, 1967 - 10:00 a.m.
14 -----15
16
17 HONORABLE H. VERNON ENEY,
18 PRESIDENT
19

20 Reported by:

21 C. J. Hunt

and

W. P. Banister

THE JACK SALOMON REPORTING SERVICE
100 Equitable Building
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1 THE PRESIDENT: The Sergeant at Arms will clear
2 the aisles and close the doors.

3 The Convention will please come to order.

4 The invocation today will be offered by the
5 Reverend Vernon Dobson of Union Baptist Church in Baltimore
6 City. Reverend Dobson.

7 (Whereupon, the invocation was offered by the
8 Reverend Dobson.)

9 THE PRESIDENT: Thank you.

10 Roll call. Have all delegates answered roll
11 call? The Clerk will record the roll call.

12 The Chair recognizes Delegate Powers, Chairman
13 of the Committee on Calendar and Agenda.

14 DELEGATE POWERS: Mr. Chairman, I move we adopt
15 today's Calendar.

16 (Whereupon, the motion was seconded.)

17 THE PRESIDENT: All in favor, signify by saying
18 Aye; contrary, No. The Ayes have it. The motion is car-
19 ried. The Calendar is adopted.

20 Reports of other standing committees?

21 (There was no response.)

1 Committee Recommendation No. SF-2 by the Com-
2 mittee on State Finance and Taxation. The Clerk will read
3 the report or recommendation.

4 MR. QUILLEN: Committee Recommendation No. SF-2
5 by the Committee on State Finance and Taxation, Joseph
6 Sherbow, Chairman, A Recommendation that the Constitution
7 include a prohibition of governmental licensing or sponsor-
8 ship of lotteries.

9 THE PRESIDENT: Committee Recommendation SF-2
10 is referred to the Committee of the Whole.

11 There is also with Committee Recommendation
12 SF-2 Committee Memorandum SF-2.

13 You should have on your desk sometime during
14 the course of the morning Delegate Proposal or memorandum
15 accompanying Delegate Proposal No. 419 submitted by
16 Delegate Finch.

17 It is my understanding that there will be
18 several groups in the gallery this morning. I doubt that
19 they are there; at least, they are not in the gallery which
20 I face. Are they in the rear gallery? Girl Scout Troop
21 No. 975 from Cheverly, Prince Georges County, and a group

1 from the Johnnycake Junior High School in Baltimore County.
2 We are delighted to have them here. (Applause.)

3 You also have on your desk this morning Presi-
4 dent's Memorandum No. 16, which gives you once again the
5 letter from the District Director of Internal Revenue,
6 from which you will note that he is not receding from
7 his position, at least not very much. This is a matter,
8 I think, each delegate will have to work out for himself,
9 but consideration is being given to taking the matter up
10 with the Ruling Section in Washington in an effort to
11 secure a ruling so that each delegate will not have to
12 handle the matter separately on his income tax return.

13 There are no proposals today. Are there
14 any motions or resolutions?

15 (There was no response.)

16 No motions or resolutions. The Chair recognizes
17 Delegate Powers, Chairman of the Committee on Calendar
18 and Agenda.

19 DELEGATE POWERS: Mr. President, I move the
20 Convention resolve itself into the Committee of the Whole
21 for the purpose of resuming consideration of Committee

1 Recommendation LB-1, under the same provisions for control
2 and limitation of debate as set forth on Debate Schedule
3 No. 1, and to consider Committee Recommendation S and E-1,
4 subject to the provisions of control and limitation of de-
5 bate as set forth on Debate Schedule No. 2.

6 THE PRESIDENT: Is there a second?

7 (Whereupon, the motion was seconded.)

8 THE PRESIDENT: The question arises on the
9 motion that the Convention resolve itself into the Com-
10 mittee of the Whole for resumption of consideration of
11 Committee Recommendation No. LB-1 under Debate Schedule
12 No. 1, and subsequently for consideration of Committee
13 Recommendation No. S and E-1 under Debate Schedule No. 2.
14 Any discussion? All in favor -- Delegate Bamberger.

15 DELEGATE BAMBERGER: Mr. President, I would make
16 the same suggested amendment with respect to Debate
17 Schedule No. 2 that Delegate Adkins made yesterday, and
18 that is that the limit on speeches in the uncontrolled
19 portion of debate be five minutes instead of three minutes.

20 THE PRESIDENT: Delegate Powers?

21 DELEGATE POWERS: Mr. President, I meant to

1 mention the fact that we have three-minute limitation to-
2 day again as we had before, notwithstanding that yesterday
3 the schedule was amended to provide for five. The Com-
4 mittee on Suffrage and Elections, including representatives
5 of all of the minority that will be reporting, after
6 the experience of yesterday, concluded that in view of the
7 ample presentation which will be made by or on behalf of
8 the committee recommendation and on behalf of all of the
9 minority, and considering all of the circumstances, they
10 still believe that the three-minute limitation will be
11 adequate, and that suggestion was adopted by the Committee
12 on Calendar and Agenda.

13 THE PRESIDENT: Is there any further discussion?
14 The question arises on the motion to amend Debate Schedule
15 No. 2 so as to increase from three minutes to five minutes
16 the limitation for each speaker in the uncontrolled por-
17 tions of the debate. All in favor, signify by saying
18 Aye; contrary, No. The Noes seem to have it. The Noes
19 have it. It is so ordered.

20 The question now arises on the motion to resolve
21 into a Committee of the Whole for the consideration of

1 Committee Recommendation LB-1 under Debate Schedule 1,
2 and consideration of Committee Recommendation No. S and E-1
3 under Debate Schedule 2. Any further discussion? All in
4 favor, signify by saying Aye; contrary, No. The Ayes have
5 it. It is so ordered.

6 The Committee of the Whole will now come to
7 order.

8 (Whereupon, at 10:15 a.m. the Convention re-
9 solved itself into the Committee of the Whole.)

10 (The mace was removed by the Sergeant at Arms.)

11 THE CHAIRMAN: At the conclusion of the session
12 of the Committee of the Whole yesterday, we had finished
13 consideration of Amendment No. 1 to Section 3.01. Section
14 3.01 is now before you for further amendment. Are there
15 any further amendments to Section 3.01?

16 If not, we will move on -- Delegate Gleason.

17 DELEGATE GLEASON: Mr. Chairman, I would like to
18 have the amendment read by the Clerk.

19 THE CHAIRMAN: The amendment is called for.

20 The Clerk will read the amendment, which should
21 be Amendment No. 2 to Committee Recommendation No. LB-1.

1 MR. QUILLEN: Amendment No. 2 to Committee
2 Recommendation No. LB-1 by Delegate Gleason.

3 On Page 1, in Section 3.01, Legislative Power,
4 Line 16, strike out the words "House of Delegates" and
5 insert in lieu thereof "House of Representatives"; and

6 On Pages 1, 2 and 3 in Sections 3.04, Composition
7 of the Legislature, 3.05, Qualifications of Legislators,
8 and 3.12, Legislative Sessions, in each place where the
9 words "delegate", "delegates", or "Delegates" appear, strike
10 out such words and insert in lieu thereof the words "repre-
11 sentative", "representatives", or "Representatives",
12 respectively.

13 THE CHAIRMAN: The proposed Amendment No. 2
14 deals not only with Section 3.01, but also with Sections
15 3.04, 3.05 and 3.12, which are not yet before the Committee
16 of the Whole. The Chair would be disposed to ask unanimous
17 consent to consider the amendment as one amendment at the
18 present time, even though the other sections are not now
19 before you, with the understanding that action on this
20 amendment will not preclude consideration of further
21 amendments on the other sections. Is there any objection?

1 (There was no response.)

2 If not, is there a second to the amendment?

3 Delegate Gill?

4 DELEGATE GILL: I second the amendment.

5 THE CHAIRMAN: The Chair recognizes Delegate
6 Gleason to speak on the amendment.

7 DELEGATE GLEASON: Mr. Chairman and members of
8 the Committee, this is a very simple amendment. All it is
9 designed to do is to substitute the word "representatives"
10 for "delegates", where it appears in Article III of the
11 Constitution.

12 The amendment came before the Committee on the
13 Legislative Branch and failed for want of a majority by
14 a 10-10 vote. The amendment is based on three simple
15 factors, one of which has been amply testified to here
16 yesterday by not only the bicameralists, ^{but} unicameralists
17 and the Chairman of the Legislative Branch Committee.
18 It is based on the fact that we have to devise methods
19 and ways to raise the visibility of the Legislative Branch
20 of the Government.

21 One of the things that I have experienced, and

1 I don't know whether that experience is shared by other
2 members, is the fact that people are generally confused,
3 especially the new people that have moved into the State,
4 and this is not a unicameral number, are generally confused
5 as to what a member of the House of Delegates, which branch
6 of the Government/ ^{he} really belongs to.

7 I know, of course, that the House of Delegates
8 has a long meaning to the natural born and native born
9 residents of this State, but when we take a look at the word
10 "delegate", a delegate goes to a convocation or a conven-
11 tion or some other assembly with a specific mission. He
12 is not going there as a representative. He is going there
13 under restrictions, with a specific job to take care of.
14 He is not a representative. To this extent the remaining
15 delegates in the House of Delegates is a misnomer and mis-
16 leading.

17 When we take a look at what the lower house
18 of the legislature is termed in the other fifty States
19 of the Union, excluding, of course Nebraska, which has
20 the unicameral legislation, we find the forty-nine States
21 designating their lower house as the House of Represen-

1 tatives. Three States call the House the "House of
2 Delegates", and those three are Maryland, Virginia and
3 West Virginia, and one designates the House as the General
4 Assembly.

5 I do think that while we are at this business
6 of trying to strengthen the legislature, trying to clarify
7 what the Legislative Branch should or should not do in the
8 mind of the people this amendment would serve a very salut-
9 ary purpose. The argument has been raised, was raised
10 in Committee that this would be confusing with respect
11 to the Federal House of Representatives so that people
12 would generally be uncertain as to whether an individual
13 actually served in a lower house in the State legislature
14 or served in a lower house of the United States Congress.

15 I might say that that confusion apparently
16 doesn't exist with respect to the Senate, because of course,
17 our Senate is called the Senate in the State as well as
18 the United States Senate. I don't think any further ex-
19 planation is necessary to the amendment. I hope it will pass
20 I don't think the whole strength of the Legislative Article
21 is going to rest on whether this does or does not pass,

1 but I do think it is a worthy amendment.

2 THE CHAIRMAN: Delegate Gallagher.

3 DELEGATE GALLAGHER: Mr. Chairman and members
4 of the Committee, I rise to speak against the proposed
5 amendment which would substitute "House of Representatives"
6 for "House of Delegates" in Section 3.10.

7 The sponsor of the amendment, Mr. Gleason, is
8 correct in that on two occasions the Committee tied 10 to
9 10 on the vote as to whether or not the amendment would be
10 accepted in Committee; since it failed to receive a
11 majority of 11, it was not a Committee recommendation.

12 I think it is significant that in the Consti-
13 tution of 1776 that the Article creating the Legislative
14 Branch stated that "the legislature shall consist of two
15 distinct branches, a Senate and a House of Delegates,
16 which shall be styled the General Assembly of Maryland."
17 The Constitution of 1851, "the legislature shall consist
18 of two distinct branches, a Senate and a House of Dele-
19 gates, which shall be styled the General Assembly of
20 Maryland." The Constitution of 1864, "the legislature
21 shall consist of two branches, the Senate and the House

1 of Delegates"; the Constitution of 1867, under which we
2 presently operate, "the legislature shall consist of two
3 distinct branches, the Senate and the House of Delegates."

4 An examination of the nomenclature used during
5 the colonial period would also indicate that Maryland has
6 been consistent in referring to its lower chamber as the
7 House of Delegates.

8 In this respect we probably differ somewhat
9 from the State of Virginia, which at one time applied the
10 name, the House of Burgesses, which was later substituted,
11 I understand for the House of Delegates.

12 I would say, therefore, that I would oppose this
13 amendment, first, on the basis of the fact that the nomen-
14 clature has been a part of the fabric of our State Govern-
15 ment since colonial times down to this day.

16 I further believe that it would be difficult
17 from the point of view of examining precedent, and looking
18 into the history of Acts of the General Assembly, to be
19 forced in doing such research and reporting on such re-
20 search to have to use the interchangeable terms, House
21 of Delegates, up to perhaps the year 1968, and thereafter

1 one would be forced to use the term "House of Representa-
2 tives" if this amendment were adopted.

3 I do believe that it would be quite confusing
4 to the researcher and to the student of history and to
5 the general public from that point of view when these two
6 terms had to be substituted for each other, depending upon
7 the date that one was referring to the action of the lower
8 chamber.

9 I do believe that there is some argument which
10 Mr. Gleason thought to rebut in his presentation, that to
11 make the change at this time would in the minds of many
12 Marylanders create confusion between the members of the
13 Federal Congress in the lower house, because despite the
14 large migration that may have occurred, there are many
15 Marylanders, and I daresay the vast majority of Marylanders
16 who are acquainted with the name of the General Assembly
17 and the terms used therein; the House of Delegates has
18 a specific meaning to them. When a Marylander uses the
19 term "House of Representatives", he is always referring to
20 the Federal Congress, the lower chamber thereof.

21 For these reasons, therefore, of history, for the

1 reasons of confusion that I think this amendment would
2 create, I would urge this Committee to vote against the
3 amendment.

4 THE CHAIRMAN: Is there any further discussion?
5 Delegate Weidemeyer.

6 DELEGATE WEIDEMEYER: Mr. President, members of
7 the House, I must back up the Chairman of the Committee
8 because I am unalterably opposed to this amendment. I
9 think members of the House of Delegates, if the legislature
10 of Maryland is to function successfully, ought not be re-
11 quired writing letter after letter to their constituents
12 explaining to them that they are not members of Congress.
13 I do not know how many times it was in the four years I
14 served in the House that when we were even called House
15 of Delegates' members, that people got us confused with
16 House of Representatives of Washington and wrote for me to
17 do things for them; and if we call them House of Represen-
18 tatives, then I think that members of the House of Dele-
19 gates would be spending half of their time writing letters
20 explaining that they do not have jurisdiction over the
21 matters for which their constituents are complaining. There-
fore, I am against the amendment.

1 THE CHAIRMAN: Any further discussion? Dele-
2 gate Clagett.

3 DELEGATE CLAGETT: Mr. Chairman, yesterday, I
4 made the statement that I had as many traditional ties as
5 anyone in this chamber. Those ties are not ones, however,
6 that^I am going to feel bound by when it is a matter of
7 function and responsibility, or ability to do what is con-
8 structive along the line of governmental responsibility.
9 When it is a matter of name, however, I feel the strength
10 of the tie, and to hold to the identification as "delegate"
11 applicable to this chamber, as distinguished from "repre-
12 sentative", which I believe would be truly an identification
13 of the Federal chambers, I am strongly in favor of holding
14 onto the tie and the tradition, and therefore would oppose
15 the motion.

16 THE CHAIRMAN: Is there any further discussion?
17 Delegate Gleason?

18 DELEGATE GLEASON: Mr. Chairman, I would just
19 like to say, of course, our Chairman of the Legislative
20 Branch always finds himself in a peculiar position in
21 this chamber and will find himself so in the future

1 because he has to oppose what he supported in the Committee
2 at times, and on this particular measure I think as I
3 recall, the Chairman did support the change of the name.
4 I might say further that in our Committee, we have four
5 members, past or present, serving in the House of Delegates,
6 and those votes divided 2 and 2. Most of these people were
7 native Marylanders.

8 THE CHAIRMAN: Any further discussion? Are
9 you ready for the question? Delegate Hanson?

10 DELEGATE HANSON: Mr. President, having said
11 a few unkind words for tradition yesterday, I would like to
12 say a kind word for tradition today, and say that for the
13 reasons outlined by Delegate Clagett and by the Chairman,
14 that I will oppose the amendment.

15 THE CHAIRMAN: Any further discussion? Are you
16 ready for the question? The question arises on the
17 adoption of Amendment No. 2 to Committee Recommendation
18 LB-1. A vote Aye is a vote in favor of the adoption of the
19 amendment. A vote No, against. All in favor, signify by
20 saying Aye; contrary, No. The Noes seem to have it. The
21 Noes have it.

1 Are there any further amendments to Section 3.01?

2 If not, we will proceed to a consideration of
3 Section 3.04; as to Section 3.04, there is a Minority
4 Report No. LB-1(B). For what purpose does Delegate Gallagher
5 arise?

6 DELEGATE GALLAGHER: A point of parliamentary
7 inquiry, Mr. Chairman. Have we in fact adopted 3.01 or
8 do you plan to take that up at the end?

9 THE CHAIRMAN: Under the procedure provided in
10 the Rules, we will not vote on each section. We go through
11 the entire recommendation section by section seriatim for the
12 purpose of amendments. After we have concluded consideration
13 all the way through, then the entire Committee Recommendation
14 as amended will be before you.

15 Minority Report No. LB-1(B), the Minority
16 Spokesman is Delegate Clark. He may come forward to the
17 Reading Clerk's desk to present the minority report.
18 Delegate Gallagher.

19 DELEGATE GALLAGHER: Mr. Chairman, I move
20 that Section 3.04 be divided. I should like the two matters
21 within Section 3.04 to be divided. That is to say --

1 THE CHAIRMAN: We are not doing anything at the
2 moment except considering amendments. When we have the
3 amendment before us, we can determine whether the amendment
4 need be divided.

5 DELEGATE GALLAGHER: Right, sir.

6 THE CHAIRMAN: Delegate Clark, do you desire
7 to come forward?

8 I should have said Delegate James Clark.
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1 DELEGATE CLARK: I am going to yield 15 minutes
2 of the controlled time, by agreement with the Chairman
3 of the committee to a member of this Convention who I think
4 is best qualified to speak on this subject, Delegate James
5 of Harford County.

6 THE CHAIRMAN: The difficulty, Delegate Clark,
7 with your yielding is that the debate schedule gives you
8 only ten minutes. Do you propose to yield ten minutes?

9 DELEGATE JAMES: I spoke with the Chairman of
10 the committee. He had ten minutes and he agreed that we
11 could use five minutes of his ten minutes.

12 THE CHAIRMAN: Delegate Gallagher is going to yield
13 five minutes of his time.

14 DELEGATE GALLAGHER: Yes.

15 DELEGATE CLARK: It is agreeable with the
16 Chairman of the Committee, sir.

17 THE CHAIRMAN: Delegate James, come forward.

18 DELEGATE JAMES: Mr. Chairman--

19 THE CHAIRMAN: Let me ask this, Delegate James:
20 I take it that your present intention is merely to present
21 the committee report and if so, this will not be charged

1 against your time. You are not debating the issue at this
2 point?

3 DELEGATE JAMES: I am using committee time, the
4 minority time, that is correct.

5 THE CHAIRMAN: Just for presentation of the report.
6 After the report is presented, there will be an opportunity
7 for questions, after which Delegate James will resume his
8 seat for the debate. This time is not charged against
9 Delegate James.

10 DELEGATE JAMES: Mr. Chairman, members of the
11 committee, the Minority Report, LB-1(A) is designed to
12 seek a reorganization of the General Assembly of Maryland
13 by permitting an 80-member House and a 40-member Senate.

14 I would like to begin my presentation by telling
15 you that I have served for two terms or eight years in
16 the old Senate, consisting of 29 members.

17 That Senate was Divided into two major committees,
18 a 15-member Senate Finance Committee and a 14-member
19 Judicial Committee.

20 All of the important work of the Senate was
21 handled through these two committees, with certain minor,

1 with certain exceptions.

2 There was a multiplicity of small committees,
3 but these only met on Thursday afternoons.

4 The defects of this organization were rather
5 apparent to me during this period. The major committees
6 were overloaded. The remaining committees were inefficient
7 in that they lacked time for meeting, and an interlocking
8 membership made the attendance difficult.

9 The staffing of the committees was a relative
10 impossibility. In addition, there were inherent problems
11 with the Senate of 29. There was a lack of manpower both
12 during and between sessions. This was especially apparent
13 between sessions when we were forced to develop various study
14 committees in cooperation with the House of Delegates.

15 There were more members than the House could utilize
16 and too few in the Senate. I had the job of appointing
17 the committees and I think the problem was overworking your
18 good people on a multiplicity of committees.

19 I think, too, that the small Senate was a bit
20 too personal. Senatorial courtesy was prevalent and you
21 could make a strong argument that there was an excessive

1 concentration of legislative power in single members.

2 I think the new Senate of 43 members is a big
3 improvemnt over the 29-man Senate. It was reorganized in
4 three major committees, the Senate Finance Committee, con-
5 sisting of 16 members, Economic Affairs Committee, with 13
6 and a Judicial Proceedings Committee with 13 members. This
7 meant that we could funnel all the work of the Senate through
8 three major committees.

9 We abolished the minor committees and secured a
10 number of advantages.

11 We were able to effect a logical division of
12 the legislature. We increased the working capacity of the
13 Senate. Each member had a nice committee assignment. He
14 could concentrate on that single committee and become an
15 expert in that type of committee work.

16 Every member of the Senate in essence had an
17 equal committee assignment. The manpower available was
18 improved, both during sessions and between sessions and
19 the committee staffing has been simplified, so that we are
20 able now to fill the staff for committee along with the
21 research facilities of the Legislative Department and

1 the Department of Legislative Reference.

2 There has been improvement in the Senate as a body
3 because it is less personal. Senatorial courtesy has been
4 minimized, and it is of a reasonable size for floor debate,
5 without the necessity for the use of the motion for a previous
6 question.

7 Now, under the amendment offered here, the 40-man
8 Senate, all of the advantages of the new Senate would be
9 retained. We could continue the same committee structure,
10 possibly a 14-man Finance Committee, a 13-man Judicial
11 Proceedings Committee, and a 12-man Economic Affairs
12 Committee.

13 The size of the senatorial district at the next cen-
14 sus would be approximately 100,000 people, which would be
15 a reasonable size.

16 The problem of drawing senatorial districts for
17 single senators would be a relatively single one.

18 Also, we would eliminate the problem of rivalry
19 between senators within the same district. When you have
20 a multi-member district, unfortunately you have people
21 serving from the same district who inevitably are political

1 rivals. This is something you simply cannot eliminate with
2 multi-member districts.

3 On the House side the problems are really reverse.
4 I served for eight years in the House, with a 123-man House
5 at that time. There were two major committees originally,
6 Ways and Means Committee, having approximately 20 members
7 and the Judiciary Committee had 20 members.

8 If you were not on those two committees, you
9 really were a minor legislative figure. There was a
10 multiplicity of minor committees, I believe more than ten
11 minor committees, but these committees did not really do
12 the main work of the General Assembly.

13 Certainly a body which has 40 out of 123 engaged
14 in major political assignments is not a well-organized body.

15 As a result of reapportionment, the present
16 House was increased to 142. The organization of this change,
17 the Ways and Means Committee was increased to 35 and
18 the Judiciary Committee was increased to 35, and there were
19 approximately 8 minor committees.

20 Now, a committee of 35 is too large, but it is
21 almost necessary in a 142-man house to have a relatively

1 large committee. Based on personal experience, I would
2 say that a committee of between 15 and 20 is probably an
3 ideal committee. You can get by with 25, but when you get
4 above that, the committee becomes unwieldy and large.

5 So we have here a situation of the present House
6 of Delegates simply being too large for effective organiza-
7 tion.

8 THE CHAIRMAN: Delegate James, would you pause
9 just a moment while we change tape, please?

10 DELEGATE JAMES: I recognize in society it is
11 necessary to be governed by machines. Is this charged
12 against my time, fixing tape?

13 THE CHAIRMAN: No. You are on uncontrolled
14 time right now, anyhow.

15 Delegate James.

16 DELEGATE JAMES: Simply to repeat, that the present
17 House of 142 involves an organization of two major committees,
18 35 each, eight minor committees, so that less than half of
19 your membership has a major committee assignment and it
20 has all of the same defects of the old House in which
21 I served.

1 As a general comment, I would like to say that the
2 larger the legislative body, the more concentrated the
3 legislative power is in the leadership.

4 The larger the legislative body, the more limited
5 is debate. The motion for the previous question always
6 hovers in the background, and time limits on debate become
7 absolutely necessary.

8 I think the House of Representatives in Washington
9 is an extreme example of this. It is not a debating body.
10 It may be a representative body, but the operation of the
11 House is tightly controlled by the leadership.

12 Now, of the proposed House of 80 members as
13 provided in the amendment, it has many advantages. It has
14 advantages to the membership of better salaries. It has
15 the advantage to the public of attracting the worthy
16 candidates, because of the improved political importance
17 and the dignity of the office.

18 All of the arguments made for unicameralism in
19 this area apply to the reduced size of the house.

20 The procedure within the house -- I might say
21 in connection with getting better candidates, you can

1 worry the rest of the time about the structure of the house,
2 but if you do not have qualified candidates, you just
3 simply do not have quality.

4 Ninety per cent of the operation of any legislative
5 body is the quality of the candidates.

6 With reference to the procedure the committee
7 structure could certainly be improved in an 80-man house.
8 You could reorganize your house committees along the lines
9 of the Senate, with three or four major committees. If this
10 were done, cooperation by the use of joint committees could
11 be improved enormously. We have been discussing that
12 recently. You saw the recommendations made in the Eagleton
13 Report.

14 One of the conclusions we reached Monday night was
15 that the house committee structure would have to be
16 reorganized in order to achieve the type of joint committee
17 cooperation, especially in interim studies, necessary to
18 implement those recommendations.

19 Committee assignments would certainly be improved.
20 You would have every member of your house an important
21 political figure who would be serving on an important

1 committee. If a man does not have an important committee
2 assignment, he is not a full legislator. He does not
3 have full legislative power.

4 Every member is entitled to respect, and his
5 constituents are entitled to respect in the General Assembly.
6 The staffing of the committee could be simplified. One of
7 the problems of the state legislature is the provision
8 of competent, full-time, well-paid staffs. This could be
9 done with a simplified committee structure.

1 Internal organization could be improved gen-
2 erally. The atmosphere of a freedom of debate could be
3 established, an atmosphere which would be more cordial.

4 The facilities and staffing for the members,
5 the individual membership could be simplified. There is
6 quite a bit of difference between providing staffing for
7 an 80 member house, for the members themselves, than for
8 a 142 man house.

9 Now, with reference to bicameralism, we would
10 have a single member district representing approximately
11 50,000 people at the next census, and there would be a
12 justification for bicameralism because each district
13 would have two representatives.

14 One of the arguments against unicameralism
15 is that if you are not in favor with the particular single
16 representatives, there is no one to go to. It is almost
17 like being a citizen of the old Roman Empire. If you
18 weren't in favor with the emperor there was no place to
19 go, and this argument still applies to this particular
20 organization.

21 You would have two people, one with a smaller

1 point of view and one with a larger point of view, with
2 whom you could discuss your problems.

3 Now, if you would decide to make the district
4 a multi-member district, the slot system could be adopted
5 to simplify voter problems.

6 I would like to make some general comments.
7 The problems of numbers can be reduced to simple sentence.
8 Excessive size hurts in many ways, visibility of your mem-
9 ber, dignity of the position, the ability to attract
10 top people. Then (b), a companion, compensation that you
11 can pay. One of the problems about fixing compensation
12 of the legislature today is simply that in order to pay a
13 man, a key man in the legislature what he is really entitled
14 to you have to pay the same thing to the member of the
15 House of Delegates who has really very little political
16 power, who may spend a small part of his time in legisla-
17 tive work.

18 By bringing the numbers within a degree of
19 reason you certainly would be able to organize the compen-
20 sation picture a little more logically.

21 The organization would be simplified, the

1 staffing would be simplified. Your facilities, the scope
2 of your facilities would be minimized.

3 Let me illustrate what I mean here. You have
4 two types of facilities that you need. One, you need
5 facilities in Annapolis which are for the legislature when
6 in session. We have been over the past several years
7 attempting to organize plans for the construction of a
8 legislative workshop or office building. Our ideal is
9 to convert the Court of Appeals block, together with the
10 church nextdoor into a legislative workshop wherein you
11 have the hearing rooms, the research facilities, the offices
12 for the members, and to create a sort of a legislative ad-
13 junct to the State House, which is becoming crowded for
14 many reasons, one of which is the executive branch.

15 The Governor's office is expanding, and he
16 really needs most of the State House for his office staff.

17 Providing for an 80-40 membership from that
18 standpoint is much simpler than providing for a large legis-
19 lature which conceivably could then be increased in size.

20 I have before me a check list of some of the
21 things you need in a legislative office building.

1 You need your senators' offices, offices for the house
2 members, the President of the Senate, the Speaker of the
3 House, you need such things as the minority rooms, majority
4 rooms for caucuses, press rooms, TV room, telephone switch-
5 board, legislative reference, legislative staff, State
6 police, canteen or luncheon room, committee or hearing
7 rooms; you need parking facilities, Post Office, an
8 office for the Chief Clerk, the Secretary of the Senate,
9 a legislative accounting office, an attorney general,
10 duplicating rooms.

11 Speaking of duplicating, now we do our printing
12 in Baltimore. With proper facilities it would enormously
13 improve the situation if we were able to do our printing
14 right here in Annapolis.

15 You need lounges and places for receptionists,
16 and this is probably an incomplete list. It will require
17 a great deal of attention and study, but certainly, and
18 I am making this basic point, providing these facilities
19 in an orderly and logical basis for an 80 man house and
20 40 member senate is certainly much more easily accomplished
21 if your house and senate are of reasonable size.

1 Now, let me say too that your districting
2 and redistricting would be simplified. The main problem
3 would be first to lay out your 40 senatorial districts, and
4 then simply divide that senatorial district in half.
5 You have in a sense a composite district with one senator
6 and two delegates.

7 For twoyears I went through the problem of
8 trying to draw district lines. Let me tell you, it is
9 one of the most difficult questions in public life.

10 Now, let me read several things to you, as I
11 draw toward a conclusion. I am reading from the State
12 Legislature's Progress Reporter, published by the
13 National Municipal League in May of 1966. It says, in
14 the first paragraph, the first two paragraphs:

15 "Sweeping reforms to strengthen State legisla-
16 tures were recommended by the 29th American Assembly on State
17 Legislatures in American Politics held April 28 to May 1
18 at Arden House as part of the National Municipal Leagues
19 five-year State Legislatures Project.

1 "The Assembly will be followed by a series of
2 regional assemblies. It was attended by former governors,
3 legislators, local government officials, journalists,
4 educators, and civic leaders."

5 One of the nine points they adopted, point
6 number 8, reads as follows:

7 "The legislature should be of the size to
8 make the position of the legislator more important and
9 visible. To permit individual participation, effective
10 deliberation, full staffing and adequate compensation.
11 legislatures should be no larger than fair representation
12 requires. We believe that in many cases in the United
13 States legislatures are larger than desirable."

14 The Committee on Economic Development is a
15 conservative organization. It has this to say on size,
16 at page 36:

17 "Most legislatures are far too large; only
18 ten have 100 members or less, while eight have over 200.
19 New Hampshire has one legislator for every 1500 inhabitants
20 in its lower house, in contrast to one for every 200,000
21 in California. There is little merit in

1 trying to set an arbitrary optimum on the number of
2 people each member of the legislature should represent, but
3 the size of each body affects its ability to function ef-
4 fectively. Fewer members permit more individual partici-
5 pation, improve deliberation, elevate the importance -
6 and hence the quality - of membership, lead to better com-
7 pensation, and facilitate stronger staffing. In our view,
8 no legislature should have more than 100 members. Small
9 states and those with unicameral systems may obtain adequate
10 representation with far fewer than that number."

11 The order of the day really is well paid
12 professional legislators, people who would concentrate upon
13 representation at State levels and not numbers, but
14 quality. The adoption of compulsory home rule will cer-
15 tainly emphasize the State legislative character of the
16 State legislator.

17 Herbert L. Wilson, Director of the Southern
18 Office of the Council of State Governments, in a speech
19 before the Texas legislature, said this:

20 "While the move is proceeding at a different
21 pace from one State to another, since, of course States

1 differ widely in the complexity of the problems which
2 their legislatures face, the unmistakable fact is that our
3 law-makers are having to devote increasing amounts of
4 time to the core work of legislating. Consequently, the
5 extent to which it will be possible to retain the values
6 of the 'citizen-legislator' tradition, and to enable
7 young and middle-aged people to combine legislative service
8 with their professional and business careers, are ques-
9 tions of major importance which more and more States will
10 have to face during the coming years."

11 We are face to face with that situation at the
12 moment.

13 The maximum membership should be fixed in the
14 Constitution at a relatively low level, and I think we
15 can look at the practical examples of New Jersey, which
16 is a State comparable in size to Maryland, which has
17 just adopted the 40-80 ratio; and to California, a large
18 State, maybe 20 million people, adopting this plan as a
19 practical method of securing a fair type of representa-
20 tion and effective organization.

21 I think that we simply won't be doing anything

1 if we permit, or if we organize our legislature so that
2 we will have bodies in which the large portion of the mem-
3 bership is second-class citizens, shall we say.

4 Thank you very much.

5 THE CHAIRMAN: Are there any questions of the
6 minority spokesman for purposes of clarification of the
7 Minority Report?

8 Delegate Kahl.

9 DELEGATE KAHL: Senator James, I am a little
10 nebulous about how this 40-80 membership would run. Would
11 you explain that a little more, please?

12 DELEGATE JAMES: We simply have 40 senatorial
13 districts in the State, and they would be single-member
14 districts. Is that the point you wanted clarified?

15 DELEGATE KAHL: Yes.

16 THE CHAIRMAN: Does that answer your question?

17 DELEGATE KAHL: Yes.

18 THE CHAIRMAN: Any further questions?

19 Delegate Bushong.

20 DELEGATE BUSHONG: I would like to ask the
21 senator, Senator James, how many counties would lose any

1 representation?

2 DELEGATE JAMES: I think if you figure it
3 this way, that you would have in the State of Maryland, the
4 next census, we will have approximately 4 million people,
5 so one senator would represent 100,000 people. I don't
6 think that you can organize the Senate on a county basis,
7 or either the House of Delegates on a county basis,
8 in the light of one-man/one-vote. The adoption of compul-
9 sory home rule simply means that the legislators are going to
10 represent people. They are not going to represent govern-
11 mental units, and the sooner we recognize that this is
12 the fact of life, I think the better off we will be.

13 THE CHAIRMAN: Delegate Byrnes.

14 DELEGATE BYRNES: Delegate James, I understand
15 that the California legislature has a 40-80 ratio.

16 DELEGATE JAMES: That is right.

17 DELEGATE BYRNES: I also understand they have a
18 salary, in effect, receipt every year, of \$40,000. Am I
19 correct on that?

20 DELEGATE JAMES: All I know is they pay 16,000
21 salary. What the other benefits are I do not know.

1 I do know that they have provided Constitutional
2 requirements concerning ethics, which really bars a legis-
3 lator from participating in private activities.

4 THE CHAIRMAN: Delegate Case.

5 DELEGATE CASE: Mr. Chairman, have you made
6 any studies to determine the efficiency of a House of
7 Delegates composed of 105 members vis-a-vis one composed
8 of 80 members?

9 DELEGATE JAMES: No. I have had a little per-
10 sonal experience. I think the 105 member house is an
11 improvement. I think the 80 member house is better. I
12 think this, that the sooner we are able to organize
13 the committee structure of the senate and the house along
14 similar lines for the purpose of facilitating joint
15 committee efforts, I think the better off we will be.
16 I think the 80 member house would achieve this result.

17 THE CHAIRMAN: Delegate Case.

18 DELEGATE CASE: The recommendation which you
19 make, Senator James, represents a two-to-one relationship
20 between the senate and the house, whereas the majority
21 recommendation is a three-to-one relationship.

1 Is there any, or do you have any comments with reference
2 to the desirability of one against the other?

3 DELEGATE JAMES: I didn't come here to flail
4 the majority report, which I think is a reasonably good
5 one. I simply feel that an 80 man house is a more manage-
6 able type of house. It would enable you to do, to compen-
7 sate better. It would give you a better committee struc-
8 ture. It seems to me an 80 man house is better from the
9 standpoint of freedom of debate. This is a very important
10 point.

11 In the Senate we don't have the motion for the
12 previous question. We have full freedom of debate. When
13 you get a house which is too large, you must of necessity
14 curtail your freedom of debate. I think any legislative
15 body which has to curtail freedom of debate by the motion
16 for the previous question lacks something.

17 THE CHAIRMAN: Delegate Case.

18 DELEGATE CASE: Senator James, was the 123
19 member house in which you served with such distinction too
20 large to permit freedom of debate?

21 DELEGATE JAMES: I was always of the opinion

1 that the house at 123 was too large. That was my personal
2 opinion, based upon eight years of experience, and I
3 might say that many of the other members expressed the
4 same opinion to me.

5 THE CHAIRMAN: Delegate Mason.

6 DELEGATE MASON: Senator James, I would like
7 to know why the drastic reduction in the house, 62 members
8 from the present house, and only three member reductions
9 in the present senate.

10 DELEGATE JAMES: I thought I explained that at
11 the outset. This might be regarded as a political
12 situation on my part, but our experience, in my opinion,
13 based upon eight years of experience in the senate was
14 that the 29 man senate was a bit too small, too small
15 because it had a tendency to create a very club-like
16 atmosphere inwhich you found yourself almost without
17 noticing it voting for people instead of issues, and this
18 is the wrong frame of mind to be in when you are legislat-
19 ing; but the smaller the house, the more -- the greater
20 the tendency is to go along on the basis of personal
21 relationships, other than upon the basis of the merit of

1 the particular legislation upon which you are voting.

2 I found there was a big difference between the
3 29 member senate and the 43 member senate in this respect.
4 The senate became less personal, and I think it
5 acted more on the issues that were involved before it.
6 These are my personal observations, and this is the reason
7 for my acceptance of the 40 figure.

8 Now, at 35, which is the committee recommenda-
9 tion, I think it is still able to retain the free committee
10 structure which we have now. You would probably reduce it
11 one or two members to achieve that purpose. I think
12 probably the senate could operate effectively with 35
13 members, and I have no very serious objection to the 35
14 member senate, but I do think that the experience with the
15 43 man senate has been good, and something between 35 and
16 40, 43 is acceptable to me.

17 THE CHAIRMAN: Any further questions?

18 Delegate Bennett.

19 DELEGATE BENNETT: Senator James, have you given
20 any thought to the effect of this amendment upon the
21 cost of running as a delegate or as a senator? One of our

1 problems, of course, is upbuilding the prestige of the house
2 and the senate. It is the fact that certain people just
3 don't have the money to campaign.

4 DELEGATE JAMES: I find this is true.

5 It is a cynical fact of political life, I am sorry to say.

6 DELEGATE BENNETT: Would this amendment of yours
7 have any bearing on that, do you think?

8 DELEGATE JAMES: Well, in the senate it would
9 probably minimize or reduce the cost because, of course,
10 the 35 man senate, the district would have to be larger.
11 In the house -- because the district would be increased
12 in size, and the cost of running for a house district would
13 probably be increased, but I don't think, or I think
14 that either proposal really would probably reduce the
15 cost of running from the standpoint of house members.

16 THE CHAIRMAN: Any further questions?

17 Delegate Pullen.

18 DELEGATE PULLEN: Mr. Chairman.

19 I should like to ask the speaker if he has given
20 any consideration to the matter of time. I have never found
21 that calm deliberation takes place, even among intelligent

1 men, in a refrigerator or a wind tunnel.

2 Now, the problem here, usually I find you very per-
3 suasive, but even if you have -- but my question here is
4 you have gone only half-way, and unless the very
5 intelligent selected individuals have the time to deliberate,
6 you are not going to accomplish your purpose. I think to
7 really accomplish your purpose you have got to enter
8 the element of time, and sufficient time, and of
9 course, all those other things that you talk about.

10 DELEGATE JAMES: On the element of time I can
11 say this: There are two ways to look at time. One, of
12 course, is the legislator's time generally, and I think
13 that a well-paid legislator who devotes substantially all
14 of his time to representing the people gives you a much
15 better representation than a multiplicity of people who
16 are part-timers. That is one element of time.

17 The other element of time is the time on the
18 floor, and because of the limitations of time, we
19 have large bodies, and there simply has to be a limitation
20 of debate, and to the extent you limit debate you really
21 do not have the free debating type of organization that

1 you should have, idealistically.

2 THE CHAIRMAN: Delegate Boyles.

3 DELEGATE BOYLES: Senator James, I notice that
4 your amendment did not contain anything about how the
5 delegates should be selected. Do you wish to retain the
6 present system?

7 DELEGATE JAMES: There will be single member
8 districts in the house. Each senatorial district basically
9 would be a composite district of one senator and two dele-
10 gates.

11 THE CHAIRMAN: Delegate Marion.

12 DELEGATE MARION: Mr. James, isn't it correct
13 that in addition to the States of California and New Jersey
14 which you have mentioned that there are perhaps 16 or 18
15 other States which either use directly the two-to-one
16 ratio or very close to the two-to-one ratio between their
17 house and senate?

18 DELEGATE JAMES: I am not sure of the statis-
19 tics. I imagine there are others. I picked out two out-
20 standing examples.

21 THE CHAIRMAN: Delegate Byrnes.

1 DELEGATE BYRNES: Delegate James, you
2 lay great stress on debate. Isn't it true over the past
3 so many years in your experience that very very infrequently
4 a committee report or a committee recommendation is over-
5 turned by either house, and would you think that this
6 history would be altered by your suggestion?

7 DELEGATE JAMES: Well, I think my suggestion
8 hits at both areas. I think it improves the committee
9 structure, which is very basic, but I think that with any
10 system which minimizes the opportunity of discussion
11 and full debate on the floor it is not sound, and I think we
12 certainly should recognize, unless we are going to suc-
13 cumb completely to committee rule, that freedom of debate
14 and full discussion on the floor is an important element
15 of a legislative body. If you just throw up your hands
16 and say the committees are going to do it all, I think
17 you have lost something in a legislative body.

18 THE CHAIRMAN: Any further questions?

19 Delegate L. Taylor.

20 DELEGATE L. TAYLOR: Senator James, in your
21 Minority Report it is stated that California passed progressive

1 legislation. I wonder, could you tell me or give me some
2 examples of the legislation that was passed by the Cali-
3 fornia legislature?

4 DELEGATE JAMES: I didn't write that Minority
5 Report, so I am not prepared to back up that particular
6 point. However, I can cite you the fact that I do think
7 that the California legislature, and I can say this, the
8 California legislature is regarded by observers in
9 the political world of State governments as probably the
10 most progressive and best organized State legislature in
11 the United States. I think I can say that on the basis of
12 my readings and from listening to Speaker Unrah and know-
13 ing what is going on in State legislatures in this country.
14 I think that generally is an accepted fact.

15 THE CHAIRMAN: Delegate Taylor.

16 DELEGATE L. TAYLOR: You understand that in
17 California the citizens in California voted on a fair
18 housing proposal to make it illegal, and of course in the
19 State of Maryland just recently, in the last session of
20 the General Assembly the Senate and also the General Assembly
21 passed a limited fair housing law to cover new housing in

1 the State of Maryland. And of course, what has California
2 done in the area of housing?

3 DELEGATE JAMES: California is an area in which
4 there are many radical groups. I think in this area
5 Maryland may be ahead of California. The argument you are
6 making is really an argument against the initiative,
7 because --

8 THE CHAIRMAN: I think Delegate Taylor is
9 asking a question.

10 DELEGATE JAMES: I understand. I am answering
11 it. I would say the question relates basically to the
12 question of whether you should have initiative. California
13 has the initiative, and the problem about which you speak
14 was generated, not by the legislature, but by the
15 procedure of the initiative, in which the people put a law
16 on the ballot and adopted it without the participation of
17 the California legislature.

18 That was the problem there.

19 THE CHAIRMAN: Are there any further questions?
20 Are there any further questions?

21 (No response.)

1 THE CHAIRMAN: If not, while Delegate James
2 returns to his seat to present an amendment, I would like
3 to make two announcements.

4 We are honored today to have in the gallery the
5 Honorable Stanford Huff, former Senator, and also a
6 member of the Constitutional Convention Commission, and in
7 addition, a delegation from Washington County, including
8 Mr. William Donaldson, a member of the House of Delegates.

9 We are delighted to have all of you here. (Applause)

10 The Chair recognizes Delegate James for the
11 purpose of offering an amendment, or will it be offered
12 by Delegate Clark?

13 This will be Amendment No. 2 to Committee
14 Recommendation No. LB-1.

15 Please strike out the printed words "To Amendment
16 No."

17 The clerk will read the amendment.

18 MR. QUILLEN: Amendment No. 2 to Committee
19 Recommendation No. LB-1, by Delegates Clark, Hanson,
20 Hopkins, Sollins. On pages 1 and 2 of Committee Recommenda-
21 tion No. LB-1, strike all of Section 3.04.

1 Composition of the Legislature and insert in lieu thereof
2 the following section:

3 Section 3.04. Composition of the Legislature

4 The number of members of each house of the
5 Legislature shall be as prescribed by law, but the number
6 of delegates shall not exceed eighty and the number of senators
7 shall be one half the number of delegates. Each delegate shall
8 represent one senate district. Each senate district shall
9 be composed of two whole delegate districts.

10 THE CHAIRMAN: The Chair was of course in error
11 in announcing that this was Amendment No. 2. It is
12 Amendment No. 3. Please mark this Amendment No. 3.
13 Is the amendment seconded?

14 (Whereupon, the amendment was seconded.)

15 THE CHAIRMAN: The Chair recognizes Delegate
16 Gallagher.

17 DELEGATE GALLAGHER: Mr. Chairman, I move that
18 the proposed amendment be divided, by dividing the
19 question in line 12, at the end of the word "delegates,"
20 so that the Committee of the Whole will have before it
21 simply at this particular time the question of the 40-80

1 numerical composition and will not have before it on the
2 vote the question of the single-member districts.

3 THE CHAIRMAN: The Chair would be disposed to rule
4 that this would still be two separate distinct questions.

5 Do the sponsors agree?

6 DELEGATE JAMES: Yes.

7 THE CHAIRMAN: Amendment No. 3, then, will be
8 divided. The question now before you will be on the first
9 sentence of the substitute in Amendment No. 3, the sentence
10 from lines 8 through the middle of line 12.

11 Delegate Bamberger?

12 DELEGATE BAMBERGER: Mr. President, a point of
13 parliamentary inquiry. If we divide this, will that then
14 require us to vote on those words which are in line 12 to
15 16 immediately after we vote on the words in lines 8 to 12?

16 THE CHAIRMAN: That is correct.

17 DELEGATE BAMBERGER: In other words, will we first
18 take up the point of the number and then be required at
19 this point to vote on whether there shall be single-member
20 districts in the House or the Senate, regardless of the
21 size?

1 THE CHAIRMAN: I do not know that I would agree
2 with your second proposition.

3 We will vote on the amendment as two distinct
4 questions.

5 The first question will be the portion of the
6 amendment embraced in lines 8 to 12. Following that we
7 will vote on the next two sentences, after discussion
8 closes.

9 DELEGATE BAMBERGER: My inquiry then is that the
10 effect of the second vote, that is, the effect of the vote
11 on the last part of this proposed Section 304 is a vote
12 on whether the district shall be single-member senatorial
13 districts, and double-member delegate districts.

14 THE CHAIRMAN: That is correct.

15 DELEGATE BAMBERGER: I wondered whether the purpose
16 of the motion to divide could be accomplished by the makers
17 of the amendment agreeing to delete from the amendment 12
18 to 16 so that the issue is squarely before us on the number
19 of legislators.

20 Can that be done?

21 THE CHAIRMAN: I am not sure I follow you.

1 Isn't the issue before you by the number for the first
2 question?

3 DELEGATE BAMBERGER: The issue is before us
4 on the number but another issue, which has not really been
5 debated for this amendment.

6 THE CHAIRMAN: There will be opportunity for
7 debate on that issue.

8 Does the Committee of the Whole understand the
9 procedure? The question on the amendment has been divided.
10 The first question to be debated, and then voted upon, is
11 the first sentence embraced in lines 8 to 12. After that,
12 there will be debate and voting upon the last two sentences
13 embraced in lines 12 to 16.

14 The Chair recognizes Delegate -- for what purpose
15 does Delegate Marion rise?

16 DELEGATE MARION: Mr. Chairman, I have, I think,
17 another question of parliamentary procedure along the
18 lines Delegate Bamberger raised.

19 If we assume that the first portion upon which
20 we will proceed to debate and then vote does not carry, does
21 that mean that the question of size of the legislature

1 will not be subject to further debate and possible amendment
2 before going to the second half of this amendment which we
3 have now divided?

4 I think that is the point that Delegate Bamberger
5 was trying to get at, or do we continue, if this amendment
6 were to fail, to resolve the question of size of the legis-
7 lature?

8 THE CHAIRMAN: Delegate James?

9 DELEGATE JAMES: If the first sentence loses,
10 we will withdraw the remainder of the amendment.

11 THE CHAIRMAN: All right.

12 Delegate Sosnowski, did you have a question?

13 DELEGATE SOSNOWSKI: Delegate Cardin answered
14 my question.

15 THE CHAIRMAN: Any further questions of parliamentary
16 procedure before we proceed with the discussion? If not,
17 the Chair recognizes Delegate James to speak to the amend-
18 ment, the first portion, which is the matter now before you.

19 DELEGATE JAMES: Well, Mr. Chairman, members
20 of the committee, I think that anything I would now say
21 is repetitious. I would simply reiterate once again that

1 for the purpose of attracting top quality people and top
2 membership, for the purpose of internal organization, for
3 the purpose of creating a smooth-working relationship
4 between the House and the Senate, for the purpose of
5 staffing both from the standpoint of staffing individual
6 members at home and in Annapolis and for the purpose of
7 providing the legislature and the committees with proper
8 staffing, for the purpose of providing facilities and
9 organizing a workable body of full-time legislators who are
10 able to devote their time and energy to representation of
11 the people, submitting this amendment creates a well-organized
12 legislative body akin to sister states who utilize this type
13 of organization.

14 THE CHAIRMAN: Any further discussion?

15 Delegate Gallagher.

16 DELEGATE GALLAGHER: Mr. Chairman, ladies and
17 gentlemen, I rise to speak against the proposed amendment.
18 I should say at the outset that this matter of 40-80 was
19 twice considered by the Committee on the Legislative Branch.
20 It failed to receive a majority on the first vote by a ten
21 to ten tie vote and then on the second vote it failed by a

1 vote of 13 to 7.

2 In supporting the position of the committee,
3 I should like to point out that the recommendation of 105
4 and 35 is quite close to the national median which I
5 mentioned yesterday, which is one hundred in the House
6 and 38 in the Senate.

7 I think, too, that the members of the committee
8 should have certain data before it before the vote is
9 taken. That is this: According to the figures contained in
10 the Eagleton Report, from 1953 to 1966 the House Judiciary
11 and House Ways and Means Committee, which is now composed
12 in the aggregate of 61 members, handled approximately 80
13 per cent of all the legislation that went into the House
14 hopper, so that we had, therefore, about 40 per cent of the
15 membership of the House on those two committees handling 80
16 per cent of the total legislation.

17 Now, through 1966, the committees of the House
18 were 13 in number, and as a result of restructuring the
19 committee system in the House for the 1967 session the
20 number of committees in the House was reduced from 13 to 9.
21 However, the House Judiciary continued to handle 42.9

1 per cent of all the bills that went into the House, and
2 the Ways and Means in 1967 considered 27.4 of all the
3 legislation that went in the House, so between the two
4 committees, even with the reduction of 13 to 9, those two
5 committees handled 70.3 per cent of the total legislation
6 that went in the House and the other 7 committees handled
7 29.7 per cent of all the legislation that went in the
8 House.

9 Now, the committee of the Legislative Branch, in
10 recommending 105 could of course allow for a third committee
11 comparable to the newly created committee in the Senate
12 on Economic Affairs, which could consist of another 30 or
13 31 members, both the House Judiciary and Ways and Means
14 could have a slight increase, so that therefore you could
15 utilize all 105 members of the House if that amendment prevails
16 here on three major committees.

17 It is true that the Eagleton report suggests
18 that the nine committees presently existing in the House
19 of Delegates be reduced to five, but I think it is only fair
20 to say that in all probability, no matter what is done,
21 Ways and Means and Judiciary will continue to handle

1 approximately 70 per cent of all the House legislation.

2 It is interesting to note on the Senate side that
3 after the new Committee on Economic Affairs was developed
4 that Judicial Proceedings and Finance in 1967 handled
5 72.5 per cent of all the legislation that went through
6 the Senate, whereas in the prior 14 years the Judicial
7 Proceedings and Finance handled approximately 90 per cent
8 of all the legislation that went through the Senate, so
9 the creation of the third major committee in the Senate
10 did substantially establish an opportunity to handle
11 roughly one-third of the total bills that went through the
12 Senate.

13 What I am suggesting here therefore is that it
14 would seem that a House that is a little larger than 80 would
15 be able to utilize the full potentialities of all the
16 members.

17 Turning now to the question of cost, I should
18 like to provide the following information to the members
19 of the Committee of the Whole.

20 At the present time, the pay of 43 Senators
21 and 142 Delegates at the rate of \$2,400 per year, plus the

1 \$1,750 per diem cost, has an aggregate cost to the people
2 of Maryland to provide those salaries and per diem expenses
3 of \$767,750.

4 That is the present payroll for members of the
5 House and Senate under the existing 43-Senator, 142-member
6 House. If the amendment now before you were adopted, the
7 40-80 amendment, and presumably with an \$8,000 salary,
8 and no per diem going to the regular session, this would
9 cost \$960,000, a very slight increase in actuality between
10 the \$768,000 now paid and the \$960,000, just a little less
11 than \$200,000.

12 More interesting, I think, is the fact that
13 if there be an \$8,000 per annum salary for 35 Senators
14 and 105 Delegates, which is the majority committee recommenda-
15 tion, that cost would be only \$1,120,000 per year, not
16 even -- well, roughly \$350,000 over and above the present
17 payroll and per diem costs, so that in actuality the
18 reduction, either at 40-80 or 35-105 at \$8,000 salary does
19 not have a significant impact on the increase of salaries
20 for the members of the General Assembly.

21 I felt the committee should have these figures

1 before it so that it can debate perhaps with more information
2 at hand on any of the amendments that may come before us
3 today, but in so doing, I simply state that 35-105, which
4 is the committee recommendation, it would appear to allow
5 full committee operation on the House level and the Senate
6 level as well.

7 THE CHAIRMAN: Any further discussion?

8 Delegate Sherbow?

9 DELEGATE SHERBOW: Mr. Chairman, I speak in
10 opposition to the amendment.

11 Nobody knows what is the ideal size of a family
12 and we will never know what is the ideal, perfect size
13 of the General Assembly. I think our eyes ought to be
14 focused, not on what experience shows took place years ago,
15 but what is happening now with the new picture created by
16 the one-man, one-vote principle.

17 There has been a tremendous change in the
18 General Assembly, not only in what it has done, but in public
19 approval of what it has done and is doing.

20 Leadership, a new breed of leadership is
21 springing out of this kind of a change. If we get this

1 General Assembly too far away from the people, we will
2 have lost too much. Whether the Senate ideal size should
3 be 35 or should be 40, I think is getting down to a point
4 where you cannot ever really tell, but when you cut the
5 House below a figure of 105, your touch with the people
6 begins to go.

7 This is a state that runs the gamut of every
8 conceivable type of population, of every conceivable type
9 of industry, agricultural business and commerce. These
10 people who live in this state have a right to feel that
11 there is some form of communication with their representa-
12 tives in Annapolis. If we cut it too low, we break those
13 ties.

14 If we make it too high, it makes it impossible
15 to function. but somewhere between those figures is the
16 right one. I think, based on tradition, based on experience,
17 based on the kind of world we are moving into in this
18 state, that this committee has hit it pretty close to
19 being right, and 35 and 105 is about what is best for
20 the people; not what is best for those who may find it
21 to their decision to run. They must accommodate themselves

1 to the office they seek, but what is best for the people
2 of Maryland, I think the 35-105 ratio is correct. I oppose
3 the amendment and I hope the ratio as proposed by the
4 committee will carry.

5 THE CHAIRMAN: Delegate Pullen?

6 DELEGATE PULLEN: Mr. Chairman, I should like
7 to state --

8 THE CHAIRMAN: Just a second. I should have
9 asked if you rise to speak in favor of or against the
10 amendment.

11 DELEGATE PULLEN: Against.

12 THE CHAIRMAN: Delegate Clagett, are you speaking
13 in favor of the amendment?

14 DELEGATE CLAGETT: Mr. Chairman, whether the
15 two-member family or a four-member family is the perfect
16 size of a family, I agree will be debated ad infinitum,
17 but I rise in support of this motion and in opposition
18 to the observations made by Delegate Sherbow on this basis,
19 really one by way of suggestion to the members of this
20 committee, that what we are really trying to do here in
21 this assembly is to find an effective separation, not

1 necessarily a divorce, although there will be times when
2 that phrase will be used, but an effective separation
3 between the local government area and the area of responsi-
4 bility of this assembly.

5 It seems to me that as we move in the direction
6 of the 40-80 and as we move away from the local arena
7 and into the arena of responsibility of this assembly, there
8 must necessarily be a severing of certain cords and lines
9 of direction, and that works both ways, from the people
10 to the members of the Assembly and from the Assembly back
11 to those people.

12 I suggest to you that the geographic limitations
13 of this small state are such that you will never effectively
14 divorce the relationship between the General Assembly and
15 its members and the people whom they represent.

16 It is merely a matter of reorientation of
17 thinking, and the expectation which we have in accomplishing
18 that reorientation, that the General Assembly will assume
19 its responsibility on a state-wide, throughout the state
20 level, and that the local governments will assume their
21 responsibility in the local area.

1 There is no reason to fear from that that the
2 county boundaries will go out of existence, or be obliterated,
3 as such.

4 It is only an expectation of outfitting and
5 equipping two different bodies to meet different responsi-
6 bilities.

7 I think the move in the direction of the 40-80
8 is in the right direction to accomplish that separation.

9 THE CHAIRMAN: The Chair recognizes Delegate
10 Pullen to speak against. Before you start to speak, may
11 I call to the attention of the Delegates that the total
12 time allowed for this portion of debate is only 20 minutes,
13 and although the limitation for a member is five minutes,
14 it would be better if you each of you would keep below
15 the five-minute limit if possible.

16 Delegate Pullen?

17 DELEGATE PULLEN: All I need, sir, is 30 seconds.

18 Parochialism is a state of mind and not one
19 of geography. I would like to support the comments of Del.
20 Sherbow, but I would like to call your attention primarily
21 to the fact that this resolution, or this amendment, does

1 not call for 40-80. Theoretically, you could have
2 a general assembly composed of two senators or two repre-
3 sentatives and one senator.

4 In other words, the size of the House and of
5 the Senate is left to the General Assembly and does not
6 mean 40 and it does not mean 80.

7 THE CHAIRMAN: Any other delegate desire to speak
8 in favor of the amendment?

9 Delegate Henderson?

10 DELEGATE HENDERSON: I shall be very brief. I
11 simply want to agree with Judge Sherbow's statement that
12 the desirability, the most desirable thing is to have
13 contact between the legislature and the constituents and
14 the voters of the state.

15 One thing I have observed over the years is that
16 matters are not debated in the General Assembly on the
17 floor. Matters are handled in committee, and the only people
18 really who speak on the floor after the noses have been
19 counted are those who are showing off or have no hope of
20 winning in a debate.

21 I think the situation in this assembly is

1 quite different, and I believe that by cutting down the
2 size of the General Assembly, that that public debate on the
3 floor and therefore public interest and contact with the
4 voters will be greatly enhanced.

5 For that reason, among others, all the excellent
6 reasons stated by Senator James, I would favor 80 as compared
7 with 105.

8 THE CHAIRMAN: Do any further delegates desire
9 to speak against?

10 Delegate Della?

11 DELEGATE DELLA: Mr. Chairman, ladies and
12 gentlemen of the Convention, I find myself being opposed
13 to the amendment offered by the President of the Senate
14 and his colleague for several reasons. First of all, we have
15 heard in the committee room that by 1970, ten counties, small
16 counties, will be without representation. With our present
17 figure of 143, or 105, rather, I beg your pardon, those
18 ten counties must look to someone for representation. If
19 we reduce 105 to 80, I do not know how many small counties
20 will be included and added to those ten by 1970 under the
21 figure of 105.

1 We had testimony in the committee by the Speaker
2 of the House that the present number of the House is a
3 workable unit. We have heard testimony by the editorials
4 to the Star and the Post and the Baltimore Sun that the
5 present session just passed was a workable and recognized
6 as a legitimate legislature, and one that we should be
7 proud of in the State of Maryland.

8 Unfortunately, I do not understand some of the
9 testimony that was given, or some of the arguments that
10 were given yesterday, that we do not know what is happening
11 to bills. I served with a blind man from Allegany County
12 who knew where the bills were, and I am sure that anyone
13 with good sight can look at the dockets and find out where
14 a bill is at any given time.

15 I certainly disagree with the delegate from
16 Ann Arundel County that no debate is effective on the floor.
17
18
19
20
21

1 Well, apparently he has never seen the Senate
2 in action. If he has, he may have been in the category of
3 the Delegate from Allegany County, who couldn't see. He
4 certainly could have heard.

5 Now, ladies and gentlemen, we are now playing
6 a numbers game. What number is suitable to represent the
7 State of Maryland? Is it 80-40, 105, 135, 120-40?

8 I saw fit to go on two minority reports, only
9 because I recognize that the small counties must have some
10 representation. They have added to the history of the
11 State of Maryland, and if we are to ignore the small
12 counties in the State of Maryland just because we come
13 from a large district, or a large county and we have
14 the votes, we are going to dictate what the small county
15 is going to be and how he is going to be represented, and
16 that the large county will represent the small county.

17 My friends, I think we are going about this
18 in the wrong way. I think they need representation. They
19 have added something to the State of Maryland. I hope this
20 amendment is defeated.

21 THE CHAIRMAN: Any other delegate desire to speak

1 in favor of the amendment?

2 Do you desire to speak in favor, Delegate Fornos?

3 DELEGATE FORNOS: Yes.

4 THE CHAIRMAN: You may proceed.

5 DELEGATE FORNOS: Mr. Chairman, members of
6 the Committee:

7 I think the vote in favor of retaining the large
8 house is a vote in favor of machine politics. It was only
9 machine politics who reared its head and offered manipula-
10 tion when you have a large body, as we are confronted with
11 at the moment in the House of Delegates.

12 When you take a look at the House as it is con-
13 stituted today, many a member loses his individuality
14 through block voting by delegations and through manipu-
15 lation of large block votes that are sent down to this
16 legislature by party bosses back home in their districts,
17 party bosses who are able to raise large coffers of money
18 and elect their tickets wholesale.

19 I don't think that any honest, dedicated,
20 sincere individual running for a seat in a small or large
21 assembly has to fear a lack of money if he is willing to

1 give the same service as he runs and to seek out the
2 people to help get him elected as he will offer them as he
3 wins.

4 Again let me stress, I feel very strongly that
5 a vote for a large house is a vote for machine politics.

6 THE CHAIRMAN: Does any other delegate desire
7 to speak against the amendment?

8 Delegate Neilson.

9 DELEGATE NEILSON: Thank you, Mr. Chairman.
10 I rise to speak in opposition to the amendment.

11 The Committee Recommendation really was a
12 compromise of a running up and down the scale from a low
13 number to a high number, but the result of the Committee
14 deliberation was not necessarily the middle ground or the
15 half-way mark. The figure that was pulled out of the hat,
16 so to speak, is a deliberate figure, based on a ratio of
17 three-to-one; on the 40-80 you have two-to-one ratio.

18 Most of us agreed in the committee that the time
19 was past to permit each county to have its own individual
20 representative. It was believed that with the number on a
21 three-to-one basis the representation would be extended

1 through the districts to the farthest point, to the smallest
2 county that we could possibly get and yet not let the
3 house and the senate become too large.

4 The question that was raised at one time was
5 that with this smaller number, or the number at 105-35
6 senators, who would be represented -- people or a county?

7 I believe, as others do, that the legislators
8 here in Annapolis should represent people, and consequently,
9 carrying it countywise would not make any difference in
10 making up the district, so it is my feeling that the three-
11 to-one ratio is the key point in deciding the size and the
12 makeup of the legislature.

13 It is possible, with the recommendation, to have
14 a smaller house than 105. It is also possible to have
15 a smaller senate. The language of the section merely places
16 a maximum of 35-105.

17 I urge again that the three-to-one ratio
18 should be kept, and consequently, I urge you to oppose the
19 amendment.

20 Thank you.

21 THE CHAIRMAN: Any delegate desire to speak

1 in favor of the amendment?

2 Delegate Boyce.

3 DELEGATE BOYCE: Mr. President, I think the
4 members of this august body from Baltimore City and per-
5 haps even from Baltimore County are in somewhat of
6 a hot seat on this subject. We have seen a lot of maneuver-
7 ing going on in the hope that the 40-80 would be turned
8 down, and that in turn the single district would be turned
9 down; but I for one feel very strongly, in the City of
10 Baltimore, that the eight of us representing the third
11 district should not all come from a section that is west
12 of the Harford Road. There is a tremendous area to the east,
13 and it should be represented in General Assemblies in the
14 future, and unless we move to a situation where we have a
15 smaller House of Delegates, and we have single member
16 districts, we will not be able to see that, and therefore
17 not only deny the good of this State, but particularly for
18 the good of the City, and it bothers me somewhat when I
19 see a man who has just the opposite point of view speak
20 about small county representation, when what he is really
21 worried about is control in Baltimore City.

1 Thank you.

2 THE CHAIRMAN: Delegate Burgess.

3 DELEGATE BURGESS: I rise in opposition to the
4 amendment, Mr. Chairman, and let me preface my remarks
5 by saying I care not a rap for machine politics. I came
6 down here to represent people, and that is what I propose
7 to speak to. The basic question we are dealing with here
8 is whether or not residents of certain counties are
9 going to have real honest to God operative representation.
10 Quite frankly, were I a resident of western counties or
11 eastern counties, neither of which I reside in, I
12 would give serious thought to secession from the State of
13 Maryland and hope for annexation with one of our sister
14 States, because, quite frankly, a resident of Garrett
15 County can look forward to be hopefully represented by
16 one member of the House of Delegates in conjunction with a
17 representative or partial representative of some other
18 county, hopefully -- and at best, hopefully.

19 These people in the Eastern Shore counties and
20 the western counties contribute to not only recreational
21 areas and our recreational enjoyment, but our economic

1 development, too. I think they are entitled to some
2 form, realistic form of representation, and not this token
3 representation which would be represented by an 80 member
4 House of Delegates.

5 I say to you in all sincerity that they make a
6 real contribution. We penalize them as a State, for example,
7 by acquiring a very great disproportion, by a dispropor-
8 tionate number of, for example, State forests, as are re-
9 plete in Garrett County. We have a superabundance of
10 Bay bridges proposed so we can get to the Eastern Counties,
11 but we don't live there. We only enjoy what these people
12 provide.

13 It is now suggested that they should have what
14 is best a token representation, and, ladies and gentlemen,
15 I say this is unfair. It is almost unbelievable to think
16 that we would reduce this to a situation where we have a
17 name and hopefully part of a warm body to represent a large
18 portion of our population.

19 THE CHAIRMAN: Any delegate desire to speak in
20 favor of the amendment?

21 Delegate Hardwicke.

1 DELEGATE HARDWICKE: Mr. Chairman, Members of
2 the Committee:

3 It is unfortunate that on this particular subject
4 the question of county versus people representation should
5 be injected, because I think that everybody here concedes
6 that whichever way we go there is no longer any possibility
7 of county representation. If you go 105 individually you
8 are going to get down to the same lack of county represen-
9 tation that you would have with 80. I think also that the
10 question of better representation of the people in a house
11 consisting of 80 versus a house consisting of 105 is
12 difficult to measure.

13 It may be that you will, by having fewer consti-
14 tuents in the 105 man house, possibly have better contact
15 with your voter s, but eventually, as the population of
16 this State increases, you are going to find that you have
17 one for 50,000, one for 75,000, one for 100,000; so inevit-
18 ably the number of people that you represent is going to go
19 up and up and up, regardless of the size.

20 THE CHAIRMAN: Delegate Hardwicke, there is
21 just one-half minute of time left.

1 DELEGATE HARDWICKE: Thank you.

2 It seems to me that the question is one of or-
3 ganization in the House, and I think that Delegate James
4 put his finger on it very neatly when he said the leadership
5 controls much more strongly in a large house, and in a
6 smaller house every man has a better and more able voice.
7 That I think is the key, and that has been the result of
8 my experience as a legislator, as well as I believe Senator
9 James.

10 THE CHAIRMAN: The time fixed for debate having
11 expired, the question arises on the adoption of the
12 first portion of Amendment No. 3, the first portion being
13 the first sentence as printed on lines 8 down to and
14 including the third word in line 12 of Amendment 3.

15 A vote Aye is a vote in favor of the adoption
16 of the amendment, a vote in favor of 40-80. A vote No
17 is a vote against the amendment, a vote in favor of the
18 Committee recommendation of 35-105. The Chair will have
19 a roll call vote.

20 Are you ready for the question? A vote Aye
21 is a vote in favor of the amendment, 40-80; a vote No,

1 a vote against the Committee amendment -- I am sorry;
2 against the amendment, and in favor of the Committee recom-
3 mendation.

4 Cast your votes. Has every delegate voted?
5 Does any delegate desire to change his vote?

6 The Clerk will record the vote. There being
7 45 votes in the affirmative and 83 in the negative, the
8 motion is lost. That portion of the amendment fails.

9 Do I understand from the sponsors that in view
10 of the action just taken that they do not desire to
11 submit the remainder?

12 DELEGATE JAMES: We withdraw it.

13 THE CHAIRMAN: The sponsors desire to withdraw
14 the remainder of Amendment No. 3, and number 3 therefore
15 fails.

16 DELEGATE GLEASON: Mr. Chairman.

17 THE CHAIRMAN: Just a second, Delegate Gleason.
18 For what purpose does Delegate Gleason rise?

19 DELEGATE GLEASON: Mr. Chairman, I would like
20 to inquire as to what the desires of the Chair are with
21 respect to time. It would suit the purposes of the minority

1 group in sponsoring the next minority report if we not break
2 up that presentation by going to lunch, and I am wondering
3 if this is not the most suitable time to recess for lunch
4 and come back at 1:00 or 1:30.

5 THE CHAIRMAN: The Chairman of the Committee
6 on Calendar and Agenda has announced yesterday that
7 normally we would break for lunch at 12:30, but I will ask
8 you to comment now as to the suggestion just made.

9 DELEGATE POWERS: Perhaps that could best be
10 answered, how long will the presentation take? We had
11 assumed on this in view of the circumstances that the pre-
12 sentation, explanation of question and answers could be
13 concluded around 12:30.

14 THE CHAIRMAN: Delegate Gleason, you under-
15 stand that the first item to be taken up would be the
16 presentation of the minority report, not the debate, and
17 we could get that portion of it out of the way.

18 DELEGATE GLEASON: I understand that, Mr. Chair-
19 man, and all I am doing is expressing a desire to have
20 the continuity with respect to the presentation of the
21 minority report and the debate that will follow.

1 I anticipate, of course, that we have no way
2 of knowing, as the Chairman of the Committee does not know,
3 just how long the entire debate will take, but I do
4 anticipate that it will take some time.

5 THE CHAIRMAN: Forgetting debate, how long do
6 you think the presentation of the minority report will
7 take?

8 DELEGATE GLEASON: Well, I am sure that I could
9 present it within a half-hour's period, but as I say, I
10 would desire to have it as a continuous presentation,
11 if it could be accommodated.

1 THE CHAIRMAN: The Chair recognizes the
2 Chairman of the Committee on Calendar and Agenda.

3 DELEGATE POWERS: Mr. Chairman, I am afraid
4 we will have to have interruptions, if we adhere to the
5 tentative schedule, that will enable the delegates to
6 make plans. We have not reached the hour of 12, and plan
7 to recess for lunch at a convenient time, around 12:30
8 until 2:00. I would urge very strongly that we proceed with
9 the matter and break at a convenient time, around 12:00
10 o'clock or 12:30. We did yesterday, if you will recall,
11 recess and it did not seem to interfere with the presenta-
12 tion, the fact it was a break for the noon recess.

13 THE CHAIRMAN: In response to the question from
14 Delegate Gleason, that is the way we will proceed.

15 DELEGATE GLEASON: Mr. Chairman, yesterday
16 we met at 12:00. I think that is a different situation.

17 THE CHAIRMAN: I think what Delegate Powers
18 referred to was there was a break in the presentation
19 of the report of the committee for lunch recess.

20 DELEGATE GLEASON: My case represents, Mr.
21 Chairman, or is based on the proposition that we are dealing
here with one of the most fundamental questions that

1 can be considered by this committee and by the Convention
2 in its entirety with respect to the Legislative Branch
3 and I do not think it is fair to have a break in continuity
4 between the presentation of the Minority Report and the
5 debate that follows, so therefore, I would move that if
6 a motion is in order, that the committee recess until 1:00
7 o'clock.

8 THE CHAIRMAN: That motion is not in order.

9 The Chair would like to see the Chairman of the
10 Committee on Calendar and Agenda, please.

11 The Chair recognizes Delegate Powers, Chairman
12 of the Committee on Calendar and Agenda.

13 DELEGATE POWERS: First, I would like to say
14 that from the standpoint of the Committee on Calendar
15 and Agenda, we are reluctant to have what I would consider
16 to be a dangerous precedent set, and that is have wide
17 latitude in the time that we recess and the time that we
18 conclude our business in the evening, because plans are
19 necessarily made on the basis of our customary practice.
20 However, --

21 THE CHAIRMAN: Delegate Powers, before you

1 make your motion, a note has just been handed to me
2 stating that the delegates from Prince Georges County
3 are scheduled to meet with the delegation of teachers
4 at 1:00 p.m. Could we inquire of someone from that delegation
5 whether an earlier adjournment would affect that meeting
6 in any way?

7 Delegate Schneider?

8 DELEGATE SCHNEIDER: Mr. Chairman, I sent the
9 note up to you. As I understand it, this is set up through
10 Mrs. Fleury and I guess it is the Public Information
11 Service, but it would interfere, as I understand it, if we
12 go to lunch from 12:00 to 1:00 or 1:30, I believe, to make
13 adequate presentation to the teachers; it would require
14 probably as much as an hour, since we will have at least
15 eight substantive committees represented there, so I believe
16 it would be more advantageous, as Chairman Powers stated,
17 and it would set a bad precedent for us to change our time
18 of adjournment or recess for lunch each day, when people
19 are making plans and schedules based on this.

20 THE CHAIRMAN: The Chair recognizes Delegate
21 Powers. He has the floor.

1 DELEGATE POWERS: Mr. Chairman, under the
2 circumstances, and in view of the fact that we have planned
3 an hour and a half, I move that the Committee of the Whole
4 rise and report to the Convention that it has not yet
5 concluded its consideration of the general orders. I would
6 propose, when we did rise and the Convention convened,
7 to move that we recess until 1:30.

8 THE CHAIRMAN: Is the motion seconded?

9 (Whereupon, the motion was seconded)

10 THE CHAIRMAN: The question arises on the
11 motion that the Committee of the Whole rise and report to
12 the Convention that it has under consideration Committee
13 Recommendation LB-1 and request permission to sit again.
14 All in favor, signify by saying Aye; contrary, No.

15 The Chair is in doubt. A vote Aye is a vote
16 in favor of the motion to rise.

17 A vote No is a vote against.

18 All in favor of the motion to rise please vote
19 Aye; opposed, vote negative.

1 Have all delegates voted?

2 Does any delegate desire to change his vote?

3 The clerk will record the vote.

4 There being 76 votes in the affirmative and
5 38 in the negative, the motion is carried.

6 (The mace was replaced by the Sergeant at Arms.)

7 (Whereupon, at 12:06 p.m., the Committee of
8 the Whole rose, and the Convention reconvened.)

9 THE PRESIDENT: The Convention will please come
10 to order.

11 On behalf of the Committee of the Whole, I report
12 that the Committee of the Whole has under consideration
13 Recommendation LB-1, and still has it under consideration
14 and desires to sit again. The Chair recognizes Delegate
15 Powers.

16 DELEGATE POWERS: Mr. President, I move we
17 recess until 1:30.

18 THE PRESIDENT: Is there a second?

19 (Whereupon, the motion was seconded.)

20 THE PRESIDENT: The Chair recognizes Delegate
21 Hardwicke.

1 DELEGATE HARDWICKE: I would like to note my
2 presence, Mr. President.

3 THE PRESIDENT: We will give you an opportunity
4 before we submit the motion to adjourn.

5 Delegate Hardwicke notes his presence.

6 DELEGATE POWERS: I wish to note my presence,
7 please.

8 THE PRESIDENT: Delegate Boyer?

9 DELEGATE BOYER: I would like to take this
10 opportunity to announce to the members of the General
11 Provisions Committee who were not with us last evening
12 that we will be meeting after this session. We will have
13 a sandwich meeting sandwiched in between now and the
14 next meeting.

15 THE PRESIDENT: Delegate Finch?

16 DELEGATE FINCH: Mr. Chairman, I would like to
17 note my presence.

18 THE PRESIDENT: Delegate Lord?

19 DELEGATE Lord. I would like to note my
20 presence.

21 THE PRESIDENT: Delegate Barrick?

1 DELEGATE BARRICK. I would like to indicate my
2 presence.

3 THE PRESIDENT: Delegate Della.

4 DELEGATE DELLA: I would like to note my
5 presence, Mr. President.

6 THE PRESIDENT: Delegate Sosnowski.

7 DELEGATE SOSNOWSKI: I wish to have my presence
8 recorded, Mr. President.

9 THE PRESIDENT: Any other delegate?

10 Delegate Sherbow.

11 DELEGATE SHERBOW: There seems to be some doubt
12 here whether when we began my presence was recorded. If
13 there is any doubt, I would like it recorded now.

14 THE PRESIDENT: Any other delegate desire to
15 note his presence?

16 All in favor of the motion to recess until
17 1:30, signify by saying Aye; contrary, No. They ayes have
18 it. It is so ordered.

19 (Whereupon, the Convention was recessed at 12:07
20 o'clock p.m., to reconvene at 1:30 p.m., the same day.)
21

A F T E R N O O N S E S S I O N

Wednesday, November 8, 1967

1:30 p.m.

THE PRESIDENT: The Sergeant at Arms will clear the aisles and close the doors.

The Convention will please come to order.

Roll call.

(Whereupon, the roll call was taken)

THE PRESIDENT: Have all delegates answered roll call?

The Clerk will record the roll call.

DELEGATE MALKUS: Mr. President.

THE PRESIDENT: Delegate Malkus.

DELEGATE MALKUS: I would like to be recorded, please.

THE PRESIDENT: Are there other delegates present who were not able to answer roll call?

Delegate Malkus will be recorded as present.

I have several announcements to make that might be made at this time. Tomorrow there will be representatives of a great many radio and television facilities here at

1 the Convention. From Baltimore: WLB, WCA, WFBR, WYAE,
2 WJZTV, WBAL, WMARTV, Associated Press, Washington, TLB,
3 WETA, WGMS, WTTGTV, WWDC, WMALTV, WRC, and WRCFM; Annapolis:
4 WNAV, WANN, WXTCFM and WIRE; Wheaton, WASH, TWON, Bel Air:
5 WBOV; Havre de Gras: WASA; LaPlata: WSMD; Silver Spring:
6 WQMR, WGAY; Frederick: WFMD.

7 Undoubtedly these representatives of radio and TV
8 stations will be wanting to interview delegates, particularly
9 from their areas at such time as it is possible to do so
10 when the Convention is not in session.

11 You might keep this in mind and endeavor to
12 be available for that purpose before the session, at the
13 noon hour and after the session.

14 As I think all the delegates to the Convention
15 know, the Rhode Island Constitution was withdrawn from
16 the ballot yesterday at the last minute, apparently because
17 impending vote in opposition.

18 The New York Constitution was defeated by
19 the people yesterday. The figures I have for practically
20 the entire state were for, 1,295,970; against, 3,296,000, which
21 means that the last three Constitutions submitted by

1 state governments to the people have been rejected.
2 It behooves us, I think, to keep this in mind and strain
3 every nerve to produce a constitution that the people will
4 accept.

5 The Chair recognizes Delegate Hutchinson.

6 DELEGATE HUTCHINSON: Mr. President, I would
7 like to take this opportunity to announce in the galleries
8 are present Mr. Preston A. Hutchinson, who happens to be
9 a delegate to the General Assembly, and his wife, Mrs.
10 Evelyn Hutchinson, who both happen to be my mother and
11 father, and who also happen to be the primary reason why
12 I am sitting here today. (Applause.)

13 THE PRESIDENT: The Chair recognizes Delegate
14 Powers.

15 DELEGATE POWERS: Mr. President, during the recess
16 for lunch, there was opportunity to consider the consequences
17 of our deviation from the announced practice and recessing
18 substantially in advance of the time. It has been concluded
19 by the Committee on Calendar and Agenda that it would
20 be much less disruptive to a much smaller number for us to
21 adhere as closely as possible to the announced times for

1 recess and adjournment during our normal sessions; that is,
2 from 12:30 until 2:00 for lunch, on Tuesday, Wednesday,
3 Thursdays and Fridays and then at the most convenient
4 time, at about 6:00 o'clock for adjournment until the
5 following day, so that for the benefit of all concerned, we
6 would like to announce that we would vigorously oppose any
7 deviation from that, unless there were an extremely
8 overpowering reason.

9 I now move that the Convention resolve itself
10 into the Committee of the Whole, to resume consideration of the
11 orders of the day under the debate limitation and control
12 as heretofore established.

13 THE PRESIDENT: Is there a second?

14 (Whereupon, the motion was seconded.)

15 THE PRESIDENT: Delegate Beall?

16 DELEGATE BEALL: I would like to announce my
17 presence, Mr. President.

18 THE PRESIDENT: Delegate Beall is present.

19 The question arises on the motion that the
20 Convention resolve itself into the Committee of the Whole
21 for the resumption of consideration of general orders

1 of the day under Debate Schedules 1 and 2. All in favor
2 signify by saying Aye; contrary, No.

3 The ayes have it. It is so ordered.

4 (Whereupon, at 1:41 p.m., the Convention resolved
5 itself into the Committee of the Whole.)

6 (The mace was removed by the Sergeant at Arms.)

7 THE CHAIRMAN: The Committee of the Whole
8 will come to order.

9 The next item before you on Debate Schedule No. 1
10 is the presentation of Minority Report LB-1(D). You have
11 the report before you.

12 The Chair recognizes Delegate Gleason and requests
13 that he come forward to the reading clerk's desk,

14 Minority LB-1(D), to provide that the size of
15 the legislature be established by law.

16 Lest you be misled, we have not yet considered
17 LB-1(C). That follows LB-1(D) on the debate schedule.

18 DELEGATE GLEASON: Mr. Chairman.

19 THE CHAIRMAN: Delegate Gleason.

20 DELEGATE GLEASON: Before I commence my
21 explanation of the Minority Report, I would like to ask

1 the Chair, is it in order at this time to get unanimous
2 consent to eliminate the second sentence of this amendment?

3 I say this for this reason: That if we were in quorum--

4 THE CHAIRMAN: The amendment is not now before
5 us. I do not have a copy.

6 Do you have a copy?

7 DELEGATE GLEASON: I have a copy.

8 In explanation, Mr. Chairman, I would just like
9 to say that we were in the process of preparing the amend-
10 ments for the consideration of the committee. We were informed
11 that the amendment had to take in the entire article. It
12 is not the intention of the signers of the Minority Report
13 that the second sentence of that amendment be included
14 in the amendment that is before the group at the present
15 time.

16 THE CHAIRMAN: Let me suggest that we have the
17 amendment reproduced the way you want it while you are
18 presenting your report.

19 I think there will be time enough to do that.

20 Is Dr. Phillips on the floor?

21 DELEGATE GLEASON: Mr. Chairman, if I could

1 suggest, we could consider this at the time the amendment
2 is actually formally before the body, but I did want everyone
3 to understand that this minority report does not deal
4 with single-member districts; it deals with the single
5 proposition that the size of the legislature shall be
6 established by law by the legislature, period.

7 THE CHAIRMAN: You can present your report on
8 that basis and I will see that the amendment is reproduced
9 in the form you desire.

10 DELEGATE GLEASON: Thank you, Mr. Chairman.

11 THE CHAIRMAN: You may proceed with the report.

12 DELEGATE GLEASON: Members of the Committee,
13 we are meeting on this question and at this time to decide
14 that in the minds of any of us there is a very critical
15 issue, and it comes before us in the background of two facts:
16 One of those facts are two Supreme Court decisions, one
17 in 1962, the other in 1964, the Baker versus Carr decision
18 and the Reynolds versus Simms decision.

19 Those decisions, as all of us know, require
20 that both houses of the State Legislature must from those
21 dates forward be apportioned on the basis of population.

1 The second fact which is in the background,
2 and of which we are all aware, is that political scientists
3 all over the country, students of government, institutions
4 who study state government, unanimously testified to the
5 fact that reform in state legislatures is critical, and
6 effectiveness of state legislatures needs overhauling, needs
7 overhauling and revision.

8 The question that I would suggest to you for
9 your consideration that we face today is how we are to
10 resolve those two facts, the necessity for periodic
11 reapportionment, and the necessity for making our legislative
12 arm of the government effective; resolve those two facts
13 into the right solution.

14 Two groups, each studying this problem for
15 a period of two years, came up with a single solution.

16 One group, which has studied this problem for
17 a period of two months, came up with four different solutions.

18 The first of the two groups that I refer to
19 is, of course, the Constitutional Draft Commission Report,
20 and I would take the time of this body to refer you to the
21 language that is included in that report, which is found on

1 page 136 and continues over to page 137.

2 The Commission said the following: "The decisions
3 of the U. S. Supreme Court have made it clear that the
4 United States Constitution requires that state legislatures
5 be apportioned according to population.

6 "That is pursuant to the one-man, one-vote rule.
7 Since the relative populations of the various districts
8 of the state are constantly changing, any scheme of
9 apportionment must provide for periodic reapportionment.

10 "It seems obvious that necessary changes can
11 more readily be made by statute than by constitutional
12 amendment. It is for this reason that the Commission recommends
13 that the power apportionment and reapportionment be
14 conferred upon the General Assembly.

15 "The Commission's Committee on the Legislative
16 Department recommended that limitations in the size of
17 both houses be prescribed in the Constitution. It
18 recommended that after reapportionment, following the 1970
19 Census, the number of senators should not exceed 43, and
20 the number of delegates should not exceed 150. Other
21 similar restrictions were discussed by the Commission.

1 After deliberation the Commission rejected all the sugges-
2 tions that a maximum size for either house of the General
3 Assembly be prescribed. The optimum size of the House
4 of elected representatives reflects a delicate balance
5 between many factors, such as the size of the population
6 represented, the number of divergent interests present in the
7 electorate, the desirable number for effective debate in a
8 deliberative body, and other factors.

9 "The balance between such factors changes over
10 a period of time"

11 I think this is a very fundamental consideration
12 for this body today.

13 "And the legislature should have the power to
14 adjust the size of each house accordingly.

15 "The Commission recognizes the possibility
16 that the advantages of relatively small houses may succumb
17 to the pressure to increase the number of legislatures,
18 when the required apportionment would eliminate the seats
19 of incumbent legislators, that it is of the opinion that
20 reliance must be placed on the General Assembly to whatever
21 action is appropriate."

1 That finishes the reference to the Commission's
2 draft that I think has relevance to our consideration of
3 this question today.

4 Let's take up next what the Eagleton Institute
5 of Politics of Rutgers University has recommended with
6 respect to the size of the legislatures.

7 In the relative portions of the Eagleton
8 Institute's report, the following language is included:

9 " In comparison with other state legislatures,
10 the General Assembly is large. Only one-fifth of the
11 states have larger houses. Only one-third have larger
12 senates. On a per capita basis as well, Maryland ranks
13 high, but what difference does the difference between 185
14 and 140 or 100 members make?"

15 This is the question that I think is relevant
16 to your consideration today.

17 "Although our survey did not specifically ask
18 legislators to evaluate the size of the general assembly,
19 it is significant that not one respondent mentions
20 size as a problem in need of remedy. Moreover, subsequent
21 interviews reveal that with few exceptions, members

1 did not think a Senate of 43 and a House of 142 unwieldy.
2 If numbers create a problem, it is in the conduct of
3 committees, not in the House or Senate as a whole, for
4 this there is another remedy," which they discuss later
5 in the report and their remedy of course is for more committees
6 with substantive powers.

7 Let's take a look at the recommendation of the
8 third group that I referred to. Their recommendation is
9 found at page 6 of the so-called Majority Report.

10 "The Committee majority" -- the last paragraph
11 of that report -- "came to the conclusion that the two
12 biggest factors contributing to the invisibility and
13 anonymity of the average Maryland legislator was the fact
14 that the present house of Delegates is too large and that
15 too many senators and delegates are elected from large ana-
16 morphic multi-member districts."

17 That is the substance of the report that is
18 before you and the justification of the report that is
19 before you that says we shall have from now until ad infinitum
20 into the future, we shall have a legislature, and I think
21 this should be very clearly, and I say this in reference

1 to the question raised by the delegate who is Chairman
2 of our Taxation Committee, under the Committee's recommenda-
3 tion, the legislature shall not be any larger than 35 and
4 105. It is possible, of course, under their recommendation
5 for that legislative size in both bodies to be smaller--
6 80-40, whatever you will have.

7 All three groups that I have referred to
8 interviewed in one form or another present, past legislators
9 or members of the legislative body.

1 The Eagleton Commission interviewed about
2 two-thirds of the existing members of the body. We inter-
3 viewed I would say approximately no more, and this
4 is just a guess out of the blue, no more than one-twentieth
5 of the members of the present legislature, and that is
6 probably too high. There was no unanimity of opinion
7 among them that the size of the legislature today was too
8 large. There were several that said they thought it was
9 too large. There were several others that said they
10 thought it could be larger, but nobody says you have
11 got to get this size of body down, and thus we will be
12 able to deal with this more effectively.

13 With that background, one group, the Committee
14 on the Legislative Branch, studying this proposal for a
15 period of no more than two months, recommended that the
16 size of the legislative bodies for the future shall be 35
17 members of the Senate and 105 members of the House of Dele-
18 gates.

19 The Constitutional Commission, studying this
20 proposition for a period of two years, has said, let's
21 leave it to the legislature.

1 I think we should take a look at what the ma-
2 jority vote of the Legislative Branch Committee really
3 represents as far as it sits before you here today. On
4 page 7 of that majority report is the following language:

5 "The Committee adopted these limitations, 105
6 and 35, by a vote of 15 to 4," and then it lists the members
7 voting for the adoption by that margin.

8 I find, as I go through the list, that there are
9 one, two, three, four, five, six, seven, eight, nine, ten
10 of the fifteen who have already voted in this chamber in
11 the last two days for an 80-40 house and senate or a uni-
12 cameral legislature. Of the other five that were in the
13 majority, I find three who are sending minority reports
14 that are presently before you or coming before you, and
15 of the reamining five or the remaining four who are listed
16 in the minority report, those also are on the minority
17 reports.

18 I think one factor is clear: There has been
19 no unanimity in the Legislative Branch Committee about
20 what the size of the legislature should be, and there
21 certainly is no unanimity that that size shall be frozen

1 for all time in the Constitution of Maryland.

2 The minority report, members of the Committee,
3 addresses itself to two questions: What shall the size
4 of the legislature be, and who shall decide what the size
5 of the legislature should be.

6 Let's take a look for a moment at what other
7 States do.

8 It is certainly clear from the information that
9 I will give you that there is no unanimity in other States
10 with respect to size. They range from sizes in the
11 Senate, for example, 18 members in Delaware, to 67 in
12 Minnesota. They range in the lower house from 35, also
13 again in Delaware, to 400 in New Hampshire.

14 There is another fact that should be considered
15 by the members of the Committee, and that fact, that
16 there was no unanimity with respect to size as it relates
17 to population within the States. For example, let's take
18 two States that are approximately the same size as Mary-
19 land -- and here I must use the 1960 census figures, be-
20 cause no other is available -- Minnesota, 3.4 million
21 people: their senate has 67 members in it; their house

1 is 135. Alabama, with 3.3 million people, their senate
2 has 35 members, as opposed to the 67 in Minnesota; their
3 house is 106, with respect to comparison with the 135 in
4 Minnesota.

5 Those are on the medium sized States. Let's take
6 the larger States.

7 Let's take California, where their 40-80 ratio
8 has been in there for a long, long time. California, with
9 15 million opeople, as compared to New York with 16 million
10 people, in California the senate has 40. In New York the
11 Senate has 57 members. In the lower house, the house in
12 California has 80 members in it; and in New York, the lower
13 house has 151 members.

14 Who is to decide what is the right size for
15 what kind of a State? Is it a group of these delegates
16 to this Convention who have studied this proposition for a
17 period no longer than two months? These designations have
18 great consequence.

19 Let's take a look at some of the other States
20 and the changes that have taken effect since the Supreme
21 Court decisions occurring in 1962 and 1964.

1 Sixteen States of the Union prescribe the pre-
2 cise number of members of the lower house in their
3 Constitutions, and 19 prescribe the number of members of the
4 senate. Twelve States provide that there shall be a
5 maximum, that there shall not be a minimum of members in
6 the house. Ten States prescribe there shall be a maximum
7 but no minimum in the upper chamber of the senate.

8 A number of States have gone into a solution of
9 the problem by putting a maximum and a minimum range.

10 The numbers in that category, in the house there are seven
11 States who provide for a range of upper and lower limits.

12 In the senate there are only five States. Three States
13 put the proportion of members of the house in relation to
14 the number of members of the senate. Two States put the
15 proportion of the members of the Senate in relation to the
16 number of members in the house. Six States have an appor-
17 tionment formula for the lower house; four States for the
18 senate.

19 One State apportions the lower house with respect
20 to the number of counties. In the senate there are
21 six States that apportion the members of the senate by its

1 counties. There are two States that provide by law for
2 the lower house, and one provides by law for the upper
3 chamber.

4 I think that it is clear from those brief reci-
5 tations that there absolutely is no uniformity in the 49
6 States, and I exclude here, of course, Nebraska, which
7 does have a unicameral legislature, with respect to how
8 do you deal with this problem.

9 Turning next to the question of sizes of State
10 legislatures, and the effect that has taken place since 1962
11 and 1964, it is fundamental to an understanding of this
12 provision of these set of figures that 45 at least, 45 of
13 the 50 States have reapportioned their legislature since
14 those decisions. Another three States are in the process
15 of doing so.

16 I don't think it can be safely challenged that
17 ever in the history of the country has so much been
18 done in so little time with respect to apportioning State
19 legislatures. There has been a tremendous change.

20 During this period, of all these tremendous
21 changes, sizes, numbers, and where they shall be located,

1 the total -- and I am speaking here of the lower house,
2 now -- has been reduced overall throughout the country from
3 5,913 members in 1963 to 5,630 members in 1967. That is a
4 decrease of 283 members, but 75 percent of that decrease
5 has occurred in two States: Connecticut, which has gone
6 from 294 to 177; and Vermont, that has gone from 246
7 to 150. And both of those States, and I think
8 this is clear to an understanding of the issue that we are
9 involved with today, both of those States met once every
10 two years, as does the State of New Hampshire, which
11 people try to raise as the bugaboo, that nobody wants a
12 legislature of 400 members in size. There is only one
13 such legislature.

14 During that same period, nine States have re-
15 duced the size of their lower house and six have increased
16 it.

17 Let's take a look at the Senate, what has hap-
18 pened during this period. During this period, three states
19 have reduced the size of their membership in their upper
20 chamber or their senates. Fifteen have increased them.
21 The other two States, New York, of course, in their

1 Constitution they had decreased it, but they put it back in
2 this Constitution, so I guess we still have to put it
3 on the net decrease -- the decrease was one -- and the
4 other two added together amount to ten.

5 In both of the States that have decreased their
6 legislatures, or their senates, Montana and Idaho, they
7 also met once every two years, far different than we have
8 got in the State of Maryland. The total for all the States,
9 there has been a net increase in the members of the upper
10 chamber of 1913 to 1980. That is a net gain of 67
11 senate seats, and in no case where the size of the lower
12 house has been decreased has the senate size been decreased
13 at the same time.

14 Compare that with the majority Committee's
15 recommendation.

16 I think it is clear from the foregoing that
17 there once again is no uniformity in the way that
18 people around the country are handling this delicate problem.

19 The population of Maryland as we know today is
20 approximately 3.6 million people. As the Chairman of the
21 Committee on the Legislative Branch has already informed

1 the group, the population in 1970, projected estimates,
2 looks like it will reach a figure of 3.9 million. By
3 1980 that population will reach a figure of 5 million.

4 I do not intend to argue the merits today, and
5 neither does the minority report, of the Baker and Simms
6 decisions. These are the law of the land for the moment.
7 However, we do intend to argue that during this period of
8 great change, during this period when the finality of the
9 law has not covered the field, during this period when
10 the exact deviation that can be expected from district to
11 district has not been finally established by the Supreme
12 Court, during this period when the slot system of elections,
13 when other proposed systems are giving broader representation
14 to smaller groups, still having to have their merits tried
15 out in the court system, we say this is no time, no time to
16 create into the Constitution of Maryland a 105 to 35 figure,
17 which is going to significantly reduce the representation
18 in our State legislature.

19 We know, and I think the figures that are before
20 you in the majority report show, that if this figure is
21 carried out, this 105-35 ratio is carried out, that by

1 1970 there are going to be nine counties of our State that
2 are going to have in a fractional basis, in some kind of
3 a magic formula, that somebody is going to have to come
4 up with, nine counties are going to have to share five
5 members somewhere and somehow put together in the
6 lower house, the lower house of the legislature of Maryland.

7 The presiding officer, or Chairman, as he is
8 wearing his hat at the present moment, has already mentioned
9 the fact that by a considerable majority the Constitution
10 of New York was repudiated by the voters in the election
11 yesterday. I am not one who is ever going to stand be-
12 fore this chamber on any kind of issue who says to the
13 delegates here assembled, don't do what you should do
14 because if you don't do it the way people want it, they
15 are going to repudiate that document when it comes before
16 them next May, but I think it is a fair question to ask:
17 How can you expect nine or ten of our 23 counties in
18 this great State to support a document that is going to de-
19 prive them of representation in at least one chamber of
20 their legislature?

21 That seems to me a very relevant question.

1 I am not saying, and I don't make the case --
2 maybe other members of the minority report do -- I don't
3 make the case that we can assure each county having one
4 seat at all times in the future. I don't say that
5 we can or cannot. I say that if we cannot, let's make
6 that pain as easy as we can make it, but the
7 only place to do that is in a legislative group, and not
8 in a Constitutional Convention delegation as we have here
9 today.

10 I would like to take just a few final concluding
11 moments with respect to some of the comments mentioned by
12 our distinguished, jovial, always humorous Chairman, if
13 I can find them. I may have to ask him for his text.

14 The Chairman stated yesterday that the proposi-
15 tion that was before the group in the matter of a majority
16 report was a compromise. I think that compromise should be
17 clearly understood. It was not only a playing of the
18 numbers game. It was a playing of the game with the
19 firm realization that unless we had some kind of a majority
20 report, some kind of a ratio in numbers, no proposition
21 would ever come before this chamber, and that is the

1 compromise that is before you today.

2 The Chairman stated that there was no presump-
3 tion in favor of a chairman coming before you here, favoring
4 a majority report.

5 I think that answers itself, because obviously
6 no presumption could attach when the majority doesn't
7 really have a majority to support it.

8 With respect to sizes of the legislature, he
9 mentioned quite frequently of course the size of the
10 lower house of New Hampshire, which has 400 members in it.
11 I have already mentioned the fact that in New Hampshire
12 they meet on an every other year basis. There are only
13 three other States -- I might say there are no States in
14 the Union that have 300 members in their lower house, and
15 there are only three States who are in the 200 class; so all
16 of the other 45 States are under 200.

17 I think it is a fair question to ask, whether
18 all of those States are badly represented, all those legis-
19 latures can't do a job.

20 He mentioned the fact that there was a feeling
21 among some members that when we had a senate of 29 members

1 it was too clubby. I wonder if we increase it to 35,
2 whether it gets just a little bit more clubby, or the
3 clubbiness has disappeared by increasing it by six members.

4 He mentioned the fact that we don't want to get
5 ourselves in the situation that they have in the House
6 of Representatives, where they have 535 members, and I think
7 the import of his remark was to the effect that it was a
8 very ineffective body. I am sure that conclusion
9 would come as a surprise to each and every member of the
10 House of Representatives, none of whom, I might say, have
11 ever been going out lobbying to have the size of that
12 chamber decreased.

13 I think he needs a little experience of what goes
14 on in the House of Representatives. He has been spending too
15 much time in Baltimore.

16 Reference has already been made by other members
17 on the floor to the favorable comment that has been given
18 in the nation's press about the legislative session that
19 has just completed itself this past year. The Washington
20 Post -- I am sure that appeals to some of our people here
21 in the group -- the Washington Post characterized it as

1 the most productive legislature we have ever had in the
2 State of Maryland, 143 members in that lower house.

3 In conclusion, Mr. Chairman and members of the
4 Committee, what is the case for allowing the size of the
5 legislature to be provided by law, rather than freezing
6 that size in the Constitution from now into the eternal
7 future?

8 The first proposition and the first foundation
9 of that case, this body does not and cannot have the fore-
10 sight to precisely determine what the exact number should be.
11 We have to ask ourselves the honest question, whether a
12 35-105 ratio that may be good enough for the year 1968
13 is going to be good enough for the year 1970, and I am talk-
14 ing here about adequate representation of people -- that
15 is the issue -- and will it be good enough in 1980, when
16 the population has increased over 1970 by 30 percent?

17 The second proposition that the minority report
18 stands on, since the Supreme Court decisions the case is
19 no longer arguable as to whether a State shall equitably
20 apportion itself. It must do so. The only question left
21 is how that apportionment shall be applied in each state,

1 and I have already demonstrated that this apportionment
2 is applied in about 48 different manners in 49 different
3 states.

4 The third proposition, with the existing, and
5 I think this is the point that deserves some consideration,
6 the existing predominance of the legislature, some 70
7 percent, now resting in four counties, three counties and
8 the City of Baltimore -- Baltimore County, Montgomery
9 County, Prince Georges, and Baltimore City -- it is kind of
10 senseless, it seems to me, to assume that these indivi-
11 duals, if they are given the responsibility of apportioning
12 the State legislature, are going to dilute their power by
13 greatly expanding the size of the legislature. We already
14 have a safety valve provided.

15 I might say that that safety valve wasn't
16 provided by the Constitution. It was provided by the
17 legislature of Maryland and approved by the Federal courts,
18 by the State courts.

19 The fourth proposition: Inasmuch as the Supreme
20 Court has left some margin, though the margin is undefined,
21 by which the population within the legislative district

1 may vary from each other, and inasmuch as their decisions
2 leave much room for coming up with different systems
3 of representation, they may adequately take care of all the
4 sections in our State, and the ability to use that
5 margin to accommodate larger sections of our State should
6 not be curtailed by restricting the size of the legislature
7 in the Constitution.

8 Thank you very much.

9 THE CHAIRMAN: Are there any questions of the
10 minority spokesman for purposes of clarification of the
11 Minority Report, LB-1D?

12 Delegate Chabot.

13 DELEGATE CHABOT: Delegate Gleason, would you
14 indicate to us which are the States which presently do not
15 set the size of their legislature or set some maximum
16 size in their constitutions?

17 DELEGATE GLEASON: If you will hold it a
18 minute, I have to say in response to that, because I asked
19 myself that question, that the research material that
20 we have does not show that fact. It shows how many are
21 established by law. Unless the Chairman has it --

1 I don't think it is in the material that I have.

2 It is a little difficult since the reapportion-
3 ment to decide who in effect establishes size because,
4 like in Maryland, we had it in the legislature. The Con-
5 stitution did not do it. It could not do it. It was un-
6 constitutional. The legislature did it. They put out
7 two plans, and, of course, one of those was overturned by
8 the courts and the other was accepted.

9 Other States are in similar categories, so that
10 the material that I have doesn't meet the specific question
11 of the delegate.

12 THE CHAIRMAN: Delegate Chabot.

13 DELEGATE CHABOT: Well, then, could you indicate
14 to us which are the States that clearly permit the size
15 to be established by the legislature, without a constitutional
16 intermission?

17 DELEGATE GLEASON: No, because the answer to the
18 last question covers this one as well. All I have is
19 the numbers. I don't have the States themselves.

20 THE CHAIRMAN: Any other questions of the mi-
21 nority spokesman?

1 Delegate Miller.

2 DELEGATE B. MILLER: Delegate Gleason, you men-
3 tioned the fact that not one delegate -- am I correct
4 that you said that not one delegate testified before us
5 and said that the house was too large?

6 DELEGATE GLEASON: No, I did not say that. I
7 said the testimony before the Committee was mixed. I read
8 from the Eagleton Institute of Politics' Report, where
9 they referred that not one member of the legislature, although
10 the members of the legislature were not asked that directly,
11 not one member commented to them that the size was unwieldy.

12 DELEGATE B. MILLER: Do you happen to know
13 whether they asked the question?

14 DELEGATE GLEASON: I just said that was not in
15 their list of questions that they asked, but as you know,
16 interviews covered all ranges of effectiveness of
17 something like that, so I am sure if it was a pressing
18 problem it would have been discussed by the legislators.

19 THE CHAIRMAN: Delegate Miller.

20 DELEGATE B. MILLER: I have another question,
21 Mr. Chairman.

1 Delegate Gleason, at some point the Committee
2 discussed your proposal that you have just made. Do you
3 happen to recall the vote in the Committee on that pro-
4 posal?

5 DELEGATE GLEASON: No, I don't.

6 Do you?

7 Maybe the Chairman can answer that. Frank,
8 did we ever vote on the question of leaving it up to the
9 legislature?

10 THE CHAIRMAN: Delegate Gallagher.

11 DELEGATE GALLAGHER: Mr. Chairman, we did at
12 one point vote on such a proposition, when combined with
13 the ratio figure, and the vote was 13 against setting it
14 by law and seven for, so it failed in Committee by a vote
15 of 13 to 7. The ratio which was hooked on to it was a
16 three-to-one ratio.

17 THE CHAIRMAN: Delegate Scanlan.

18 DELEGATE SCANLAN: At the risk of repeating
19 Delegate Chabot's question I am somewhat confused. He
20 asked you if you could tell us which States do not put
21 a limit, a Constitutional limit on the size of their

1 legislature. Now, you did recite some statistics. I
2 counted up about 32 States that had various forms of re-
3 strictions, either on one house or the other, or both,
4 or the ranges. Surely in accumulating that research,
5 Delegate Gleason, you must have stumbled upon the
6 figure of the States that had no limitations at all.

1 DELEGATE GLEASON: I presume you are using
2 that word "stumbled" rather loosely. I might say to the
3 delegate that he had the same basic research material before
4 him that I did. Essentially, there are two books. One
5 put out by the State Council of Governments, and the
6 other put out by Citizens' Conference on State Legislatures.
7 Both are recent books, both up to date. I am saying to
8 him, and what I have said to Delegate Chabot, he may not
9 want to accept the answer, but it is the answer, that that
10 information was not available in those books, and I was
11 not able to procure it anywhere else. Maybe the Chairman,
12 who has done a great deal of research, and of course, who
13 has research assistants, may have come up with the answers.
14 I would be very happy to have the answer myself.

15 THE CHAIRMAN: Delegate Gallagher?

16 DELEGATE GALLAGHER: May I say, by way of ques-
17 tion, that would it be proper to suggest to Delegate
18 Gleason that your book of material contains the fact that
19 Montana and Virginia set the size of the legislature
20 by law, as contained on Page 24 of the research document
21 to which you just referred to.

1 DELEGATE GLEASON: Yes, but the full answer to
2 that question, if I may respond to the Chairman, is that
3 other sizes of legislatures have been established and
4 have been revised over the past four or five-year period.
5 We can't tell precisely how that was done, whether it was
6 done by constitution, being declared unconstitutional,
7 by legislature meeting, or responding to Federal Courts.

8 THE CHAIRMAN: Do you have any further questions?
9 Delegate Scanlan?

10 DELEGATE SCANLAN: That still isn't my question.
11 My question is, How many States have no limitations at
12 all, in short, how many States do what you asked this
13 delegation to do in your motion?

14 DELEGATE GLEASON: Well, I think one of the
15 answers, of course, to that is the delegate knows that
16 there have been very few States that are in the process of
17 revising their Constitution in the past four-year period,
18 and so that I can't tell just how many States allow this
19 to be done. My case is resting on the proposition that
20 the Supreme Court decision, which you fostered, and brought
21 such great impact into this State, that now you ought not

1 to extract all the blood from the rock and leave the
2 legislature a little bit of a chance to ease the pain of
3 the burden.

4 THE CHAIRMAN: We will suspend for just a moment
5 to change the tape.

6 (At this time a brief recess was taken.)

7 THE CHAIRMAN: Delegate Hanson.

8 DELEGATE HANSON: Mr. Chairman, I should like
9 to ask Delegate Gleason if the size of the House is per-
10 mitted to rise in such a manner that each county's
11 population would be assured of not having to share a
12 delegate with another county, what the size of the House
13 of Delegates might be in 1970.

14 DELEGATE GLEASON: Well, let me say in answer
15 to that question, I don't think either the delegate or
16 myself knows, because we don't know where these population
17 increases are going to occur; so I can't tell. There has
18 been some evidence submitted by our research assistants to
19 the Committee that this House would go up in terms of 192
20 approximately by the 1970 census, by what I am saying, and
21 of course, it is the burden of our report, is that we

1 ought to set the size at the time that all of the facts are
2 available and the facts are not available to this Conven-
3 tion.

4 THE CHAIRMAN: Are there any further questions?
5 Delegate Mason?

6 DELEGATE MASON: Delegate Gleason, I believe you
7 indicated that several States have reapportioned their
8 legislatures. I wonder if you have any record as to what
9 States were forced to reapportion because of court order
10 and what States voluntarily reapportioned.

11 DELEGATE GLEASON: I would defer you to the
12 great expert on this, Mr. Scanlan, and Mr. Hanson. I do
13 not have that information.

14 THE CHAIRMAN: Delegate Scanlan?

15 DELEGATE SCANLAN: Very, very few have re-
16 apportioned without either under the impact of a direct
17 court order or under the threat of an order in the wind.
18 Several, New Jersey being one, and I think one other
19 State, went ahead and did reapportion before the flood of
20 reapportionment decisions. By the way, I didn't foster
21 the decision, Mr. Gleason. I merely argued it.

1 THE CHAIRMAN: Are there any other questions?
2 Delegate Taylor?

3 DELEGATE L. TAYLOR: In the case of Baker v.
4 Carr, in the State of Tennessee, I believe the one man-one
5 vote principle was ruled. Do you have any knowledge as to
6 how the State of Tennessee treats this problem, for the size
7 of the legislature?

8 DELEGATE GLEASON: No. The only knowledge that
9 I have that is relevant to the question, at least to my
10 mind, is that since those decisions, forty-five States have
11 apportioned themselves, and three more are in the process,
12 which is a pretty good degree of legislative activity on
13 that kind of a basis, in a period of five years; but I
14 don't know what this current situation is in the State of
15 Tennessee.

16 THE CHAIRMAN: Any further questions of the
17 Minority Spokesman? Delegate Willoner.

18 DELEGATE WILLONER: Delegate Gleason, I was
19 wondering if you had any statistics on any of the legis-
20 latures that have reapportioned themselves and have re-
21 duced their size?

1 DELEGATE GLEASON: Yes. Well, when you say
2 statistics on reduction in size, statistics in reference
3 to what?

4 DELEGATE WILLONER: Have any legislatures reduced
5 their size?

6 DELEGATE GLEASON: Yes. There is some refer-
7 ence to the answer to that question in my remarks, and
8 nine States during this period of time have reduced the
9 size of their lower house; 75 per cent of that reduction
10 has occurred in two States, which had legislative sizes in
11 the lower house over two hundred. In the same period of
12 time, six States have increased the size of the lower
13 house. When you go to the Senate, the situation is that
14 three States have decreased the size of their Senate to a
15 total of eleven; and fifteen States have increased the
16 size to approximately a seventy-one total figure.

17 THE CHAIRMAN: Are there any further questions?
18 Delegate Wheatley?

19 DELEGATE WHEATLEY: Delegate Gleason, could you
20 tell us if this amendment carries, would the question that
21 was raised during the reapportionment debate as to whether

1 or not such law would be subject to veto and/or referen-
2 dum?

3 DELEGATE GLEASON: Certainly it would be sub-
4 ject to a veto. I think we will have to wait on the
5 referendum until we get a report from the Committee handling
6 that. I don't know. It would certainly be subject to a
7 government gubernatorial veto, and it should be.

8 THE CHAIRMAN: Are there further questions of
9 the Minority Spokesman? Delegate Harry Taylor.

10 DELEGATE H. TAYLOR: Delegate Gleason, wouldn't
11 this be a little bit like letting the fox decide how
12 many chickens should be in the hen coop?

13 DELEGATE GLEASON: Your humor is pleasant, but
14 I don't think it is relevant. We have been attempting in
15 the Legislative Branch Committee, and in the other proposals
16 that will come before this group, and you will see we
17 have been attempting to do what we can in the Constitution
18 to make the Legislative Branch a co-equal part of the
19 government. Time and again, we are faced with people in
20 the Committee coming before us and saying, Yes, but you
21 don't want them to do that, you see. You don't want them

1 to meet longer than seventy days. You don't want them to
2 meet in an annual session, or you don't want them to be
3 able to increase the budget, and you don't want them to
4 increase the size of their legislatures or reduce it.

5 The question has to be answered, you know, when
6 you are going to establish a legislature with powers to
7 legislate, it carries with it the risk they will do some-
8 thing bad as well as good; but I don't know any other way
9 around that delegation of responsibility.

10 THE CHAIRMAN: Delegate Weidemeyer.

11 DELEGATE WEIDEMEYER: Does the delegate or
12 the Committee have the figures on how many State legis-
13 latures have passed or called for a constitutional amend-
14 ment so that a constitutional amendment could be passed
15 for the Federal Constitution which would allow one body
16 of bicameral legislature to be seated on factors other
17 than population?

18 DELEGATE GLEASON: As you know, there is a great
19 deal of discussion about the validity of some of those
20 proceedings of State legislatures, but I think the figure
21 that is generally used is thirty-two; and they need thirty-

1 four to call such Constitutional Conventions.

2 THE CHAIRMAN: Delegate Weidemeyer.

3 DELEGATE WEIDEMEYER: Is it quite possible,
4 then, that whatever we do here may somewhat depend on fur-
5 ther Federal constitutional action?

6 DELEGATE GLEASON: I think everything is pos-
7 sible except the impossible, and that would certainly be
8 one of the possible ones.

9 THE CHAIRMAN: Any further questions? Delegate
10 Byrnes.

11 DELEGATE BYRNES: Delegate Gleason, isn't it
12 true that the legislative leaders themselves are very
13 reluctant about our subjecting them to what has turned
14 out to be from prior experience a bloodletting and highly
15 emotionally charged experience? As a matter of fact, I
16 have been told that three years preceding reapportionment,
17 the legislative leaders and the legislators themselves
18 were brought into a struggle that was unparalleled, and
19 that they wished to God, frankly, that they wouldn't have
20 to do it again. That was the testimony of the legislative
21 leaders, I might ask?

1 DELEGATE GLEASON: Implicit in your question
2 is, by giving the power that we seek here with the
3 minority report to the legislature, that that will bring
4 all
5 the struggle /over again. I don't think that is an
6 assumption that can be borne out. Certainly, I have al-
7 ready recited the fact that we have today the control of
8 the delegations in the lower house in four areas of the
9 State, 70 per cent of the votes. I think also the fact
10 that we have got to remember that the Supreme Court
11 decisions hit like a bomb. There were relationships,
12 areas represented. This caused great distress and strain.
13 The legislative group themselves did not have any clear
14 guidance as to how far they could go or how far they
15 shouldn't go; and they still don't today, but I think that
16 that kind of a hassle, although it will always be a
17 problem, that kind of a hassle is not likely to be emulated
18 and duplicated again; but I don't think, just because the
19 fact it is a difficult problem, we should take that away
20 from where it can be solved the best.

21 THE CHAIRMAN: Are there any further questions
of the Minority Spokesman?

1 If not, while Delegate Gleason returns to his
2 chair, I have two announcements to make.

3 We are pleased to have with us in the gallery
4 the Honorable Charles Cruikshank, the delegate from Balti-
5 more City, and we did have with us on the Floor, I don't
6 know whether he slipped out again, Deputy Attorney General,
7 Robert F. Sweeney. We are delighted to have them with us.
8 (Applause.) Delegate Schneider.

9 DELEGATE SCHNEIDER: Mr. President, Mr. Chair-
10 man, I also would like to make an announcement that the
11 Prince Georges delegate is happy to have several hundred
12 civic teachers from Prince Georges High School sitting in
13 the balcony behind the podium.

14 THE CHAIRMAN: Delighted to have them.

15 The Chair recognizes Delegate Gleason for the
16 purpose of submitting an amendment. Do you have the
17 reprinted amendment, Delegate Gleason? Will you send it
18 to the desk, please?

19 The amendment is not here. It is on its way.

20 The amendment is coming in the door now, I
21 understand.

1 I have been asked to announce by Delegate Ecken-
2 rode that Mr. Fred Marrow, if I pronounce it correctly,
3 Clerk of the People's Court of Baltimore County, and
4 Mr. Henry Ero, Chief Counsel to that Court, are in our
5 gallery.

6 The Clerk will read the amendment. This will be
7 Amendment No. 4.

8 MR. QUILLEN: Amendment No. 4 to Committee
9 Recommendation No. LB-1, by Delegates Gleason, Linton,
10 Della and Peters: On Pages 1 and 2 of Committee Recommen-
11 dation No. LB-1, Line 23, after the word "law", strike
12 out the comma and the remainder of the sentence on Line
13 24 and on page 2, Lines 1 and 2, and insert in lieu there-
14 of a period.

15 THE CHAIRMAN: Is there a second to the amend-
16 ment?

17 (Whereupon, the motion was seconded.)

18 THE CHAIRMAN: The Chair recognizes Delegate
19 Gleason, who under the debate schedule, has control of
20 ten minutes, and Delegate Gallagher has control of
21 ten minutes of debate.

1 Delegate Gleason?

2 DELEGATE GLEASON: Mr. Chairman, I would allocate
3 as much time as he needs to Mr. Adkins, please.

4 THE CHAIRMAN: Delegate Adkins.

5 DELEGATE ADKINS: Mr. Chairman, I suppose it
6 might be said that I rise in support of this motion as a
7 result of my parochial instinct.

8 Indeed, I suppose in part I do, but I suggest
9 to this body that even those of us from small counties are
10 entitled to have a voice, feeble and weak though it may
11 be.

12 I support this amendment, Mr. President, for
13 three principal reasons: First, it seems to me the
14 posture of the majority report is completely illogical.
15 On the one hand they discuss, as indeed I believe, to
16 support a strengthened, virile, reapportioned, intelligent,
17 and now for the first time, a new word, visible legisla-
18 ture.

19 They ask us in this report, and will indeed in
20 subsequent reports, ask us to vest in this new legislature
21 a great and increased power over the legislatures that

1 have existed in this State in the past.,

2 At the same time, ladies and gentlemen of the
3 Convention, they say to us, that this legislature, with
4 these greatly increased powers, should be deprived of that
5 power most crucial to its own welfare, and that is the
6 power to decide its own size.

7 I have been led to believe, Mr. Chairman, that
8 men entitled to command must first learn to command them-
9 selves, and unless the legislature is able to command it-
10 self, unless it can be sufficiently mature and responsible
11 to decide its own size, I suggest to you, sir, that per-
12 haps there may be other serious restrictions that need
13 to be imposed on it.

14 It seems to me illogical, therefore, to say on
15 the one hand, it should have the power to do what needs
16 to be done for Maryland, except it should not have the
17 power to decide its own size.

18 I suppose the only logical reason why that
19 argument is advanced, certainly there is no other reason
20 in the report, except some kind of an inherent feeling
21 that the legislature in determining its size will not be

1 sufficiently responsible to the needs of the people, but will
2 indeed be responsible only to the needs of the
3 city adjoining the district of each individual legislator.
4 I submit, sir, there is an effective way to start the
5 new constitutionally created, aggressive, reapportioned
6 legislature. We should vest with them our vote of con-
7 fidence that they will be able to rise above the petty
8 indirection of their own body and decide what their own
9 proper size should be.

10 It is conceded by the Majority Spokesman that
11 there is no magic in numbers. It is conceded by the other
12 persons who have spoken that there is no ideal size. We
13 are not talking about a Senate of Rome. We are not talking
14 about a Senate, the precise specifications of which can
15 properly be written.

16 Say what you will, the last word on Baker ver-
17 sus Carr and its companion cases has not been said. No
18 major, sweeping constitutional revisions as fundamental
19 as this one has been released in its present posture.
20 As our cases are presented, I suggest amendments, refine-
21 ments will take place. All that we of the small counties

1 ask is that the Constitution of Maryland be left in a
2 sufficiently flexible position to permit us, as the court
3 decided that one man-one vote needs to be refined, to
4 be able to take advantage of those refinements.

5 I suggest further that there is a tendency on the
6 part of all of us sometimes to use cliches instead of
7 thought, and I suggest that when we mention the term,
8 "one man-one vote", we sometimes tend to stop thinking.
9 Fair, equitable and just representation is the require-
10 ment for the people of Maryland. One man-one vote is a
11 keystone of that fair and just and equitable representa-
12 tion. It is not, however, the only element, as is pointed
13 out in both the Eney Commission Report and by other
14 people who have spoken to this group. At least leave to us
15 the flexibility so that the future may determine what is fair
16 and just. Do not impose rigid restrictions now, without
17 having had the evidence before you, and the Committee con-
18 cedes that they have not -- they have not even attempted to
19 translate its formula into districts or regions or bound-
20 aries -- let that be done where indeed it should be done,
21 in the legislative halls of this body.

1 We are suffering the shrinking pains of re-
2 apportionment, and those pains for us are real. Many of
3 you are suffering the growing pains of urbanization, and for
4 you they too, are real. If we structure our State govern-
5 ment in a sufficiently flexible manner, the shrinking
6 pains of reapportionment and the growing pains of urban-
7 ization can find mutual solutions to their problems, but
8 I say to you in all candor, in the halls of this body, with
9 the limited time that we have had here for debate, with
10 inadequate time to present to you the many injustices that
11 will be brought about in terms of adequate, fair and
12 equitable representation of the people of this State, by
13 the formula which is proposed by the majority, do not
14 force that on us. Leave us at least the dignity to come
15 before this body at the appropriate time, after the facts
16 are before us, to argue our case. Leave it with the
17 legislature. Under one man-one vote, there is no ques-
18 tion where residual power of the legislature will be. We
19 are prepared to trust that residual power. We do not
20 want to have our rights, however, foreclosed by this kind
21 of a constitutional limitation.

1 I urge that the legislative proposal now before
2 you gives the maximum flexibility, gives the maximum
3 opportunity to create fair, just and equitable representa-
4 tion for all people. That we ask. I urge you seriously
5 consider leaving this matter where it properly should be,
6 with your majority elected representatives.

7 THE CHAIRMAN: Delegate Gallagher.

8 DELEGATE GALLAGHER: Mr. Chairman, and ladies
9 and gentlemen of the Committee: I want to say that what I
10 have to say at this time is my personal point of view, as
11 well as that of the majority of the Committee. I take
12 pride in the work of our Committee, and I do not
13 at any point, having been a member of it, seek to debase it
14 or to belittle it or to deride it. I am grateful to the
15 members of my Committee who worked the many hours and put in
16 the many sessions to come to the conclusions that you have
17 arrived at. It is the majority of the Committee knows that
18 a great deal of thought and interest went into what we did.

19 I am not one to belittle compromise, nor am I
20 one to suggest that you take the Federal plan and impose
21 it upon the State of Maryland. I think there is enough

1 individuality left in Maryland and enough of the sovereign
2 spirit to have us go on our own way without having a little
3 House of Representatives and a little Senate imposed
4 upon us from elsewhere. I am glad that we have got a
5 Federal Government, and I like a great many of the things
6 this does, but I don't think we have to do it the same way,
7 and I am not so enamoured of the outline and the structure
8 of the Federal Government that I believe it has to be dup-
9 licated in fifty States in the Union. Maryland has had
10 a way, it has had a tradition, and I suggest that we ought
11 to consider it and consider its value. I am proud of
12 the Committee, I am proud of its work, and I thank them
13 all.

14 Now, turning to the problem we had before us,
15 this is not a question of a small county versus big county
16 fight. This is a question of deciding whether we want
17 some minimum efficiency in government. If we do, what
18 this amendment would have us do, there will be no limita-
19 tion upon the size of the General Assembly. There will
20 not be a hall big enough in the City of Annapolis to hold
21 the people who will come into this General Assembly, and

1 we will have chaos and we will have an unwieldy State
2 government.

3 Now, the truth of the matter is that never in
4 the history of the State of Maryland have we adopted the
5 principle which this amendment seeks to impose upon us
6 today. If you take the Constitution of 1776, there were
7 specifically fifteen Senators provided for, and four
8 Delegates from each county, two from Annapolis, two from
9 the City of Baltimore; in the 1845 Constitution, there
10 was a minimum of sixty-five and a maximum of eighty pro-
11 posed in the House, and the maximum of one Senator from
12 each county, or twenty-one. In the 1864 Constitution
13 again there was a Senate of twenty-one, with three addition-
14 al from the Baltimore legislative districts, and an
15 original House size set at eighty in the Constitution
16 with a sliding scale, which if every county had achieved,
17 could have gone to a figure of one hundred sixty-eight.

18 Under the 1867 Constitution, again, one Senator
19 per legislative district and county, the House was initially
20 set in the Constitution at eighty-six members.

21 Under the sliding scale it was possible, with

1 the addition of Howard County in 1851, and Garrett in 1872,
2 to go to one hundred seventy-four members, but this we
3 did not do because by constitutional amendment it was
4 frozen at one hundred twenty-three in 1950, until the nine-
5 teen members were added to the House in '62 and the ad-
6 ditional fourteen members were added to the Senate.

7 I say to this house that we have a tradition
8 of setting at least scales which will provide maximum
9 limitations, and I say in all candor that the other forty-
10 eight States of the Union do likewise; and only Montana
11 allows both the size of the House and the Senate to be
12 set by law, regardless of the testimony that you have
13 heard here today.

14 Now, ladies and gentlemen of this Committee,
15 we had seven members, either present or formerly of the
16 General Assembly on the Committee of the Legislative
17 Branch, and these people are experienced, and we heard from
18 a great many members of the legislature; and I tell you
19 unequivocally that it was the request of the members of
20 the legislature, by and large, that we set the limit in
21 the Constitution; that we provide that there be some

1 maximum, and by and large most of them said, virtually
2 without exception, that the House was too large.

3 This is not a question of pure rampant democra-
4 cy. This is a question of trying to balance representative
5 government with efficient government, and as I said yes-
6 terday, somewhere there is a happy medium. But I tell you
7 there is no happy medium out there in the sky, because
8 what has experience proved here in Maryland? It has proved
9 that when reapportionment required the application of the
10 one man-one vote principle, the Senate was increased in
11 size. As a matter of fact, if Bill No. 8 had been
12 constitutional, the size of the Senate would not be forty-
13 three but would be fifty-three. The size of the General
14 Assembly has been increased to one hundred forty-two, and
15 if the population projections of this State are correct
16 for 1970, we can expect that the size of the House will be
17 near two hundred, if we allow each unit to have one vote
18 in the House.

19 Now, I submit to you that somewhere, somewhere
20 we have to draw the line. Mr. Gleason asked, who is to
21 decide. I say to you that we are to decide; that you and

1 I have been elected to come down here and not to pass the
2 buck. It will be the easiest thing in the world to say,
3 Let them fight it out for themselves, but Harry Truman
4 had a very pleasant sign on his desk when he was President
5 of the United States, and it said, The buck stops here.

6 I am suggesting to you that the buck stops in
7 this Constitutional Convention, and I further suggest to
8 you that we have not for all time and for eternity cut
9 off the escape valve because there is the device of the
10 constitutional amendment. There is an avenue to provide
11 relief if it should be decided that this figure, whatever
12 it may be, is adopted.

13 I say to you this: Disregard the 35-105
14 figure, which the Committee has recommended in its aggregate cumulative wisdom, but go to some figure, for the sake
15 of efficiency in government, minimum efficiency, pick a
16 number out of the air, but do not, I ask you, allow the
17 General Assembly to set its own limits, when man after man
18 came before our Committee and said, Please do it in the
19 Constitution.
20

21 I submit to you that we have a heavy respon-

1 sibility, and I think we ought to discharge it here, and
2 be able to go home and tell the people who elected us
3 that we did the job, that we did not pass the buck.

4 THE CHAIRMAN: Delegate Gleason, you have two and
5 a half minutes you can allocate.

1 DELEGATE GLEASON: Thank you, Mr. Chairman.
2 I am afraid we may have to ask for more time at the
3 appropriate moment.

4 I will allocate two and a half minutes to
5 Delegate Smith.

6 THE CHAIRMAN: Delegate Marvin Smith.

7 DELEGATE M. SMITH: Mr. Chairman, what the
8 distinguished brother from Baltimore City has said in effect
9 is that the representatives of the urban areas of the
10 state do not trust this reapportioned general assembly.

11 Now, I come before you, sir, not to suggest
12 that each county in this present day and age should have
13 a representative. I do suggest to you, however, that
14 geography and not the trees to which reference was made
15 earlier but geography is entitled to some consideration.

16 I suggest to you, sir, that there is a point of
17 difficulty when one's elected representative is too far
18 removed from him.

19 Delegate Ted Miller commented to me more than
20 once in the days when he ran for Congress that he would
21 love to have had the opportunity of running in a District

1 like Congressman Garmatz', where he could walk around
2 to see all of his people in short order.

3 Some of our brethren do not understand the
4 geography of the state. I am reminded of the young lady
5 in the office where I once worked in Baltimore, who said
6 to me, "The Eastern Shore, that is just down there below
7 Annapolis, isn't it?"

8 Now, Mr. Chairman, from one end of our
9 present Senatorial district to the other is a driving time
10 of two hours; from one side of that district to the other
11 is better than one hour. I suggest to you, sir, that the
12 proposals here with reference to delegate districts
13 will well set up areas of substantially in excess of one
14 hour's driving time, and that this has the effect, not
15 only of removing delegates from contact with their constitu-
16 ents, and vice versa.--

17 THE CHAIRMAN: You have half a minute, Delegate
18 Smith.

19 DELEGATE M. SMITH:--but also has the great adverse
20 effect of making it difficult to find proper people to run
21 for office because of the areas that have to be traversed.

1 I suggest to you, sir, that we should have the
2 General Assembly not boxed in as they were boxed in under
3 the previous constitution.

4 THE CHAIRMAN: Delegate Gallagher, you have two and
5 a half minutes you can allocate.

6 DELEGATE GALLAGHER: I will yield to Mr. Scanlan.

7 THE CHAIRMAN: Delegate Scanlan.

8 DELEGATE SCANLAN: I believe Delegate Gallagher
9 is mistaken. Delegate Bamberger was to speak at this point.

10 THE CHAIRMAN: Delegate Bamberger.

11 DELEGATE BAMBERGER: The issues before us are really
12 two: They are the issues of what shall be the proper size
13 of the General Assembly if it is to be efficient, if it is
14 to be strong, if it is to stand in its proper relationship
15 to the executive and to the judiciary.

16 The second issue, and the issue stressed before
17 out committee by the witnesses who are now members of the
18 General Assembly who appear before us, and by the seven
19 members of our committee who are present or former members
20 of the General Assembly, was to free us from the kind of
21 turmoil, the kind of rending trauma that we have when we

1 must make decisions that the House and the Senate shall
2 be increased or decreased, and it is increased or decreased.

3 Obviously, it is difficult for a body of men
4 and women gathered together to consider legislation, each
5 hoping to have the support of the other for some particular
6 proposal, to sit and decide that some members of that
7 group may not come back, that some are there for the last
8 time, that the size must be reduced.

9 It is equally, difficult even to increase the
10 size, because when you increase the size, you change political
11 boundaries, you shift political power, you make it easier
12 or more difficult for somebody to be elected or to be
13 re-elected.

14 And as the Chairman has said, with almost one
15 voice, the members of the General Assembly who came before
16 us said, we don't want that. That tears up this body.
17 Set a size. We understand it is difficult to decide now what
18 is the optimum size, but we have some guides.

19 Our committee talked about this, I should
20 suppose, from the first day that we met. There was no
21 lack of sympathy on our committee for the problems of the

1 small counties. There were articulate spokesmen for the
2 small counties on our committee.

3 This Convention, this committee has before it
4 the testimony of its two vice presidents, one of whom is a
5 President of the Senate, the other of whom is a distinguished
6 member of the Senate both of whom say to you, the present
7 size is not the most efficient, the present size is not
8 efficient.

9 THE CHAIRMAN: You have little less than a half
10 minute.

11 DELEGATE BAMBURGER: I suggest with that
12 testimony we ought to be convinced, that we ought to
13 reduce the size. Now 35-105 is the product of compromise.
14 I point out to you that of the seven present or former
15 members of the General Assembly who served on the
16 committee, four, as noted in the committee report, voted
17 for the 35-105, four voted that it shall be 35-105,
18 and that we shall free the General Assembly from this
19 problem, this trauma, so it may attend to its work.

20 THE CHAIRMAN: Your time is up.

21 Delegate Gallagher, you have a half minute.

1 DELEGATE GALLAGHER: Mr. Chairman, I will not allo-
2 cate. I will simply say this: Delegate Roselli Abrams
3 here asked for a size of 100 and 33, Charles Doctor,
4 80 to 100 in the House, 40 in the Senate, Delegate Finney,
5 or Senator Finney, 33 Senators and a smaller House;
6 Delegate Blair Lee, 80 House members, 40 Senators; Mr.
7 Mandell, 100 House members, 40 Senators; Delegate Sarbans,
8 105-35, Delegate Edna Cook, 123-member House, a smaller
9 Senate, Delegate James, 80-40, Delegate Clark, 80-40.

10 THE CHAIRMAN: There is now authorized 20
11 minutes of uncontrolled debate. Does any delegate desire
12 to speak in favor of the amendment?

13 Delegate Gleason?

14 DELEGATE GLEASON: Mr. Chairman, I wonder at
15 this time if we could get a motion to extend the time for
16 the unallotted time so to speak from three to five minutes.

17 THE CHAIRMAN: The allotted time per speaker
18 is presently five minutes under the schedule, as amended.
19 I suggest, however, that since total time is 20 minutes,
20 that obviously it would be unfair to have many delegates
21 to try to use five minutes.

1 Do you desire to speak on the amendment?

2 DELEGATE GLEASON: This mike keeps shutting on and
3 off.

4 I don't know when I can speak, but I think we
5 will just wait until the time expires and then if
6 other people have to speak, we will ask for an extension
7 of time.

8 THE CHAIRMAN: Does any delegate desire to speak
9 in favor of the amendment?

10 (No response)

11 THE CHAIRMAN: Delegate Gleason, no other
12 delegate desires, apparently, to speak.

13 Delegate Linton?

14 DELEGATE LINTON: Mr. Chairman, members of the
15 committee, I was waiting for the orators to speak on this
16 subject, Mr. Chairman, and I would like to comment briefly
17 on the Committee Chairman's phrase, the buck stops here.
18 The number must be set even if it is a number from the air.

19 Members of this committee and this convention,
20 the most important subject that has come before this
21 convention for a final vote is the one that we are considering

1 now, and I feel that more votes, for or against this
2 constitution, will hinge upon decisions we make.

3 For years the problems of enforcement have
4 been studied by the legislature, and a realistic figure
5 has been set, which is now 185.

6 The only thorough study, and even here I cannot
7 say that this is a thorough study, has been proposed
8 in the Gilchrist amendment. It will be debated unless this
9 particular motion is adopted.

10 Representation for the small counties must be
11 based on the Supreme Court's basis of one-man, one-vote,
12 but what does representation mean to me?

13 Representation means that our roads program is
14 decided by the delegates and senators that represent our
15 county. Representation means the bridges or promises
16 of bridges that seem to be present in the legislature.
17 Representation means tax-sharing programs that are put into
18 action in this state.

19 Representation means whether or not the
20 capital improvement programs that we finance through our
21 tax rate and state tax rate every year on our tax bill,

1 whether or not any of those capital improvements are located
2 within your part of the state, and I live in a part of
3 the state that does not have any capital improvements, that
4 has an operating budget, and that provides employment.

5 I live in a part of the state that does not have a
6 clover leaf or an overpass, below Upper Marlboro. And I blame
7 this, and their lack of roads -- there is a death trap
8 on Route 5 that is present because of representation or lack
9 of representation.

10 I submit that the problems of apportionment
11 are not a function of this convention. It should be left
12 to the legislature where the responsibility is clearly theirs,
13 where the time will be available, year after year. It
14 is a continuing problem. That is where it belongs. I hope
15 that this convention will adopt this amendment.

16 THE CHAIRMAN: Does any delegate desire to speak
17 in opposition to the amendment?

18 Does any delegate desire to speak in opposition
19 to the amendment?

20 Delegate Needle?

21 DELEGATE NEEDLE: Mr. Chairman, is it so

1 essential that we try to provide that each county has its
2 own individual representative?

3 I submit that it is not, although it is regret-
4 table that we cannot reasonably do this today or in the
5 future.

6 It will obviously become an even more difficult
7 problem in the future.

8 It is not essential that we so provide today,
9 because the historical basis for individual representation in
10 the General Assembly will no longer exist in the future
11 if the recommendations of the Local Government Committee
12 are accepted by this Constitutional Convention.

13 Only four counties out of 23 today have home rule
14 government.

15 I hope, and I think it is one of the most basic
16 goals of this Constitutional Convention, that we mandate
17 home rule for each county so that each county can handle
18 its local matters on a local level. It will no longer be
19 necessary for the county delegation in the General Assembly
20 to be the local legislature for that county.

21 Therefore, it is not essential, although

1 regrettable, that we cannot provide individual representa-
2 tion in the General Assembly for each county.

3 I suggest that the compromise reached by
4 the Legislative Branch Committee is the best before
5 this body. I urge that you support it.

6 THE CHAIRMAN: Any other delegate desire to
7 speak in favor of the amendment?

8 Delegate Vecera?

9 DELEGATE VECERA: Mr. Chairman, I desire to speak
10 in favor of the amendment.

11 I urge the committee to consider this very
12 carefully in that it is such a significant issue that
13 I think the Constitution may hinge on this one factor.
14 I urge the adoption of this in that we may begin the long
15 road toward ratification of this great document, and all
16 of the other hard work that many of our committees are
17 placing upon this document.

18 I think this issue is of such significant value
19 that we ought to consider it very carefully, and I strongly
20 urge each and every one of you to vote for this amendment.
21 Thank you.

1 THE CHAIRMAN: The Chair recognizes Delegate
2 James to speak in opposition to the amendment.

3 DELEGATE JAMES: Mr. Chairman, fellow delegates,
4 first I would like to say that all of the arguments I
5 attempted to mobilize this morning, I would like to say
6 they are applicable to this particular proposition this
7 afternoon.

8 I happened to serve as Chairman of the Committee
9 on Legislative Reapportionment. It was a soul-searching
10 experience. I had this difficult job for a period of
11 two years, and I can tell you that the legislator is in
12 an extraordinarily difficult position in passing upon
13 this particular subject. He has two problems. One
14 problem is that he has his own selfish interest at stake,
15 but to buttress that selfish interest is the fact that
16 his people at home, generally speaking, want him to do
17 the thing which is in his own selfish interest, so that
18 he is handicapped both by the fact that his people want
19 him to fight for the status quo and that his own selfish
20 interest really requires him to be for the status quo,
21 so the ultimate result of the adoption of this proposal

1 inevitably will be a spiraling upward of the size of
2 both houses, and this will mean going down the tunnel of
3 a long hall to inefficiency.

4 Now, certainly the lower body, the large body
5 inevitably becomes less legislative in character. To glorify
6 the committee, you concentrate your power in the leadership,
7 in the control committees and you minimize the benefits
8 of open debate and the persuasion on the floor, and I
9 say to you that all hope is lost for an efficient legislature
10 if you take the ceiling off.

11 I would like to conclude with those remarks,
12 but let me plead with you not to take the limit off, because
13 it will be a disastrous blow to the efficiency of the
14 legislature.

15 THE CHAIRMAN: Is there any delegate desires to
16 speak in favor of the amendment?

17 Delegate Malkus?

18 DELEGATE MALKUS: Mr. President, ladies and
19 gentlemen of this Convention, I listened with interest
20 to what has been said here, and as you know, I represent
21 one of the real, real, real rural sections and in times

1 gone by I said upon this floor, and that floor that when
2 your great metropolitan areas take over, I hope that you
3 will be as kind to us as we have been to you.

4 You may snicker all you want, but we are fighting
5 for our very life.. It is not a question of county lines.
6 It is a question of community of interest. I am one of
7 the very few bona fide farmers in this honorable body. There
8 are several. Well, if you are going to cut this thing
9 down as the President has said so it is efficient, then our
10 voice will be so small, Mr. President, it will not be
11 heard.

12 Now, I have heard in glowing terms the great pro-
13 gress of the 1966 session of the General Assembly. That was
14 the reapportioned session of the General Assembly, 142 and
15 43. It was not to my liking, Mr. President, but I defy
16 anybody to say it was not workable, and with a legislature of
17 that size, we will have a chance in the next ten years
18 to have some voice in what is going to happen in ten years
19 from now, Mr. President. You don't know; neither do I.
20 We may all have helicopters by then and we will be living
21 in a land of truly pleasant living rather than in

1 the metropolitan areas.

2 Mr. President, I hope, I do not care how you
3 do this, and there are other amendments to follow this, but
4 105 and 35 cuts us to the very bone, and Mr. President,
5 we are maybe fortunate in one way and unfortunate in
6 another. We had a little gathering on the Potomac River.
7 They call it the Capital of the United States. That has
8 overflowed into Maryland. I suppose except for the
9 possibility of Virginia, we are the only one that has such
10 a situation as that, and I look with interest on those
11 people that are here in this honorable body whose heart
12 and bread and water is in some other place.

13 I called them one time, Mr. President, sundowners
14 and moonlighters, and bedroom citizens, and the Washington
15 papers tore me to pieces, but as I look through this list
16 of business offices, just casually, of course, I found
17 eleven that are here in this body make their living in
18 Washington, D. C.

19 Mr. President, to us that come from the real, real,
20 real, rural sections, we not only live there, we work there,
21 we raise our families there and make our living there.

1 THE CHAIRMAN: Delegate Malkus, you have a
2 little less than a minute.

3 DELEGATE MALKUS: Mr. President, it
4 won't take that long, but I am enjoying this Convention
5 now, Mr. President. I feel pretty good, thank you, sir,
6 and I suppose there is nothing wrong, Mr. President --
7 you may disagree with me -- with having a little laugh here
8 and now. This doesn't hurt anything in the world.

9 But on the serious note, remember what I said.
10 We who represent the agricultural area, I stand here
11 before you, sir, and I know that you raise a few sheep,
12 but, Mr. President, the laughter was on your time.

13 (Applause.)

14 Now, Mr. President, wouldn't you think it is
15 a good time for me to sit down?

16 THE CHAIRMAN: I would say it is an opportune
17 time. (Applause.)

18 THE CHAIRMAN: Any other delegate desire
19 to speak in opposition to the amendment?

20 DELEGATE MILLER: Mr. Chairman.

21 THE CHAIRMAN: Delegate Miller.

THE HISTORY OF THE CITY OF BOSTON

FROM THE FIRST SETTLEMENT
TO THE PRESENT TIME
BY
JOSEPH NEALE
OF THE BOSTON BAR
IN TWO VOLUMES
VOL. I.
BOSTON: PUBLISHED BY
J. NEALE, AT THE
CITY OF BOSTON, 1822.

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1 DELEGATE B. MILLER: Mr. President, I have
2 enjoyed the comments of the previous speaker as much as
3 anyone, but I would say to you, sir, they are not particu-
4 larly germane. The issue before us and the amendment
5 before us is whether or not the size of the legislature
6 is a constitutional question or whether it is a legislative
7 question.

8 In the Legislative Branch Committee we decided
9 that it was a constitutional question, that it was the
10 responsibility of this body to set the framework by which
11 legislative questions could be settled.

12 Now, whether or not certain people are represented
13 or whether or not certain areas are represented is contained
14 in what we do on the question, but it is not the question
15 under discussion now.

16 The question under discussion now is whether or
17 not we perform our duties as we were sent here to do or
18 whether we attempt to pass this on to other people.

19 I will give you, sir, that some of the members
20 of this assembly are a little bit afraid to face the issue
21 because the issue is a serious one, and because it is a

1 difficult one, but I give you, sir, that if we do that we
2 will sacrifice on the altar of expediency and we will go
3 home and this Constitution will be passed, but we will
4 have not decided what needs to be decided in this
5 Convention, and we will not be ready to face the future
6 with the things the State of Maryland needs to face the
7 problems that are before us.

8 THE CHAIRMAN: Delegate Bard, do you desire
9 to speak in favor of the amendment?

10 DELEGATE BARD: Yes, sir.

11 THE CHAIRMAN: The Chair recognizes Delegate
12 Bard.

13 DELEGATE BARD: Mr. Chairman, I think it needs
14 to be said here that there is a bounty of controversy
15 within this question that is not related to the size of the
16 legislature. I for one voted for 40-80 size, and believe
17 strongly in the small legislative body. Nor within this
18 controversy is everything centered about the whole debate
19 as to whether the small counties or the large counties
20 shall all be represented in the legislature.

21 I for one happen to believe that it would be

the first of these is the fact that the system is not in equilibrium.

The second is the fact that the system is not in equilibrium.

The third is the fact that the system is not in equilibrium.

The fourth is the fact that the system is not in equilibrium.

The fifth is the fact that the system is not in equilibrium.

The sixth is the fact that the system is not in equilibrium.

The seventh is the fact that the system is not in equilibrium.

The eighth is the fact that the system is not in equilibrium.

The ninth is the fact that the system is not in equilibrium.

The tenth is the fact that the system is not in equilibrium.

The eleventh is the fact that the system is not in equilibrium.

The twelfth is the fact that the system is not in equilibrium.

The thirteenth is the fact that the system is not in equilibrium.

The fourteenth is the fact that the system is not in equilibrium.

The fifteenth is the fact that the system is not in equilibrium.

The sixteenth is the fact that the system is not in equilibrium.

The seventeenth is the fact that the system is not in equilibrium.

The eighteenth is the fact that the system is not in equilibrium.

The nineteenth is the fact that the system is not in equilibrium.

The twentieth is the fact that the system is not in equilibrium.

1 impossible to have all these small counties represented.
2 There is an area of discussion of which we have lost sight.
3 Mr. Gleason mentioned it so well earlier. That is,
4 that the whole debate in respect to one-man/one-vote has
5 not yet been solved, and those of us who served on the
6 draft commission and spent two years on this question
7 in the main determined the response that you find in the
8 Commission report on this one issue.

9 It would be wrong to divide those who vote for
10 this amendment or against it in terms of larger or smaller
11 counties, or being for or against, let us say, the small
12 counties or the larger counties, or being for sheep
13 farmers or wheat farmers.

14 This is not a debate at all. As we actually
15 saw it, the debate was, shall you settle an issue that
16 itself has not yet been settled, and this is why the draft
17 commission voted in terms of a delay on this question, be-
18 lieving that the legislature would have more time to settle
19 it. This is why I shall vote for the amendment.

20 THE CHAIRMAN: The Chair recognizes Delegate
21 James Clark to speak in opposition to the amendment.

1 DELEGATE CLARK: Mr. President, ladies
2 and gentlemen of the Convention:

3 This issue before us is a most serious
4 matter, and I suppose as a member of the legislature
5 some people might expect me to be in favor of this amend-
6 ment, but I am very much opposed to it, because to me,
7 by voting for this amendment today we are abandoning
8 one of our primary and obvious reasons for being here. We
9 must shoulder up to the responsibility that is so obviously
10 ours, and that is to set the size of our General Assembly
11 in the future, and I would certainly urge each of you
12 to vote against this amendment and let us face up to the
13 problem which we must do.

14 THE CHAIRMAN: Delegate Boyer, do you desire
15 to speak in favor of the amendment?

16 DELEGATE BOYER: Yes, sir, I do, Mr. Chairman.

17 THE CHAIRMAN: You may proceed.

18 DELEGATE BOYER: Mr. Chairman, ladies and
19 gentlemen of this Committee:

20 We have been down here in Annapolis since Sep-
21 tember 12. Four days, and we will have completed two
months of solid and very important deliberations.

1 I think that this Convention is a pivot in
2 Maryland history. I think that we are standing on the thresh-
3 hold of history, and I think that each one of us are ex-
4 tremely proud of our State of Maryland, that it can be
5 truly said that we are America in miniature.

6 We have some divergent and diverse interests
7 from the coal mines in Western Maryland to the tobacco
8 farms in Southern Maryland, the apple orchards in Western
9 Maryland to the seafood on the Eastern Shore. This, accord-
10 ing to the law, goes for naught, that the representation of
11 our General Assembly shall be based not on seafood or
12 tobacco or apples or mining the coal in Western Maryland,
13 but on the people.

14 THE CHAIRMAN: Delegate Boyer, there is left
15 just one minute of uncontrolled time, and half of that
16 should go to the opposition. Please limit your remarks
17 now to a half-minute, please.

18 DELEGATE BOYER: I guess I will have to, Mr.
19 Chairman.

20 I have so much to say, but let me say this: Quoting
21 one of our distinguished colleagues who quotes continuously

1 one of his heroes, Justice Holmes, yesterday he said
2 that the life of law is not object, it is experience.

3 We have heard in this body less than two months
4 of deliberations on the need of the composition of this
5 size of General Assembly. I earnestly urge you to let the
6 experience of the legislature guide you. Conscientious
7 legislators will not shirk their duties, and I have more
8 faith in the elected representatives of the people
9 than evidently those who say that the legislature will
10 grow so large the halls will not hold them.

11 I don't agree with this. We who are about
12 to be obliterated support your amendment.

13 Thank you.

14 THE CHAIRMAN: Delegate Chabot, you have one-
15 half minute to speak against the amendment.

16 DELEGATE CHABOT: One-half minute isn't very
17 much time. I am one of the overflow that Delegate Malkus
18 spoke about.

19 The one-man/one-vote question has been brought
20 up here. I understand that there will be another part
21 of the Constitution dealing with that matter.

1 The question is whether or not we should have a
2 General Assembly of 140 members to be decided by
3 voting on that number or voting on another number, without
4 having to eliminate all limitations. The question of
5 flexibility, which was argued so much by Mr. Gleason,
6 sounds nice, but the amendment would leave within section
7 3.04 two very substantial restrictions on what the
8 General Assembly may do and leaves single member districts
9 and leaves three-to-one ratio.

10 All in all I think the only question is whether
11 or not we are willing to let the legislature go through
12 the agony that it has gone through, the same sort of agony
13 that the United States Congress goes through every ten years,
14 as it did this past ten years, the agony which was so
15 great that when Congress first faced up to the question
16 of a limit on the size of the House of Representatives
17 after the 1910 reapportionment, it threw up its hands
18 in 1920 and simply did not reapportion at all.

19 THE CHAIRMAN: The time allowed by the debate
20 schedule for debate having expired, the question
21 before the Committee is the adoption of Amendment No. 4.

1 For what purpose does Delegate Gleason rise?

2 DELEGATE GLEASON: Mr. Chairman, in line
3 with our discussions of yesterday or the day before that,
4 I wonder if it would be appropriate at this time to find
5 out from the members of the Committee whether there are
6 in fact other members who would like to speak either
7 pro or con with respect to this Minority Report.

8 THE CHAIRMAN: I don't think so. In view
9 of the debate schedule, the only motion that would be in
10 order would be a motion for the Committee to rise and
11 request the Convention to amend the debate schedule.

12 DELEGATE GLEASON: Mr. Chairman, I wonder if
13 I might ask if I could move that the Committee would
14 rise to allow me to have about four minutes to wrap up
15 my presentation. I did not have time to speak with respect
16 to the specific amendment, with the understanding that
17 the Chairman for the Majority would have similar time.

18 THE CHAIRMAN: Is there a second to the motion?
19 The motion is that the Committee rise for the purpose of
20 the question to the Convention, to amend the debate
21 schedule to allow an additional four minutes of controlled

1 debate for the proponents and four minutes of controlled
2 debate for the opponents.

3 Is there a second?

4 (Whereupon, the motion was seconded.)

5 THE CHAIRMAN: The Chair recognizes Delegate
6 Powers for comment.

7 DELEGATE POWERS: Mr. Chairman, we have been
8 on this particular amendment for approximately two and a
9 half hours. The time that was allotted for limited debate
10 was agreed to by both sides. That was ten minutes
11 per side controlled debate, 20 minutes uncontrolled debate,
12 a total of 40 minutes, and the presentation took the rest
13 of the time.

14 Delegate Gleason went very thoroughly into the
15 matter during the presentation and responded to many
16 questions, and from the point of view of the Committee on
17 Calendar and Agenda, we feel that anything further would
18 not be of any additional benefit in the delegates reaching
19 a decision on a vote on this amendment, and we hope the
20 motion will fail.

21 THE CHAIRMAN: The question arises on the

1 motion that the Committee recess and request that the
2 Convention amend the debate schedule to allow an additional
3 four minutes of controlled time for the proponent and
4 an additional four minutes of controlled time for the
5 opponent. A vote Aye is a vote in favor of the motion
6 to rise, and a vote No is a vote against.

7 All in favor, signify by saying Aye; opposed,
8 No. The Nos seem to have it.

9 DELEGATE HUTCHINSON: Roll call.

10 THE CHAIRMAN: It requires ten seconds.

11 Roll call: A vote Aye is a vote in favor of
12 the Committee rising for the purpose indicated; a vote
13 No, a vote against. Indicate your vote.

14 Have all Delegates voted? Does anyone desire
15 to change his vote? The Clerk will record the vote.

16 There being 75 votes in the affirmative and
17 60 in the negative, the motion is carried. The Committee
18 will rise.

19 (Whereupon, at 3:30 p.m. the Committee of the
20 Whole rose, and the Convention reconvened.)

21 (The mace was replaced by the Sergeant at Arms.)

1 THE PRESIDENT: The Convention will please
2 come to order.

3 On behalf of the Committee of the Whole I
4 report that the Committee has under consideration Committee
5 Recommendation LB-1, desires to continue to sit, and re-
6 quests that the debate schedule be amended so as to permit
7 an additional four minutes of controlled debate to Delegate
8 Gleason and four minutes of controlled debate to Delegate
9 Gallagher, with respect to Amendment No. 4.

10 Is there a motion? Will you make such a motion,
11 Delegate Gleason?

12 DELEGATE GLEASON: Yes.

13 (Whereupon, the motion was made.)

14 THE PRESIDENT: Is there a second?

15 DELEGATE SOSNOWSKI: Second.

16 THE PRESIDENT: Any discussion?

17 Delegate Sosnowski.

18 DELEGATE SOSNOWSKI: Mr. President, on behalf
19 of the nine counties who may now and forever lose their
20 voice in the Maryland State Assembly, I would like to
21 go along with the eight minutes.

1 THE PRESIDENT: Any further discussion?

2 Are you ready for the question?

3 The question arises on the motion to amend the debate schedule
4 to allow an additional four minutes of controlled debate
5 to Delegate Gleason and an additional four minutes of
6 controlled debate to Delegate Gallagher.

7 All in favor signify by saying Aye; contrary, no.

8 The Chair is in doubt. Roll call vote. A
9 vote Aye is a vote in favor of amending the debate schedule
10 to allow an additional four minutes of debate to the
11 proponents and opponents. A vote No is a vote against.

12 Have all the delegates voted? Does any delegate
13 desire to change his vote?

14 The Clerk will record the vote.

15 There being 95 votes in the affirmative and
16 34 in the negative, the motion is carried. The debate
17 schedule is amended.

18 The Chair recognizes Delegate Powers.

19 DELEGATE POWERS: Mr. President, I move the
20 Convention resolve itself into the Committee of the
21 Whole for the purpose of resuming consideration of the

1 order of the day.

2 THE PRESIDENT: Is there a second

3 DELEGATE POWERS: Under the amended debate
4 limit.

5 THE PRESIDENT: Is there a second?

6 (Whereupon, the motion was seconded.)

7 THE PRESIDENT: All in favor signify by saying
8 Aye; contrary, No. The Ayes have it. It is so ordered.

9 (The mace was removed by the Sergeant at Arms.)

10 (Whereupon, at 3:32 p.m., the Convention
11 resolved itself into the Committee of the Whole.)

12 THE CHAIRMAN: The Committee of the Whole will
13 please come to order.

14 For what purpose does Delegate Mentzer arise?

15 DELEGATE MENTZER: Personal privilege.

16 THE CHAIRMAN: State the privilege.

17 DELEGATE MENTZER: The teachers from Prince
18 Georges County have gone home. They were here to see
19 our debate on the composition of the legislature. I
20 know the legislator from the first district of Prince
21 Georges and his wife, Delegate Arthur Dorman and his wife,

1 are here.

2 THE CHAIRMAN: Delegate Gleason.

3 DELEGATE GLEASON: Mr. Chairman, I
4 apologize to the members of the Committee for having
5 to take any more time than is necessary to discuss this
6 issue, and as I am sure everyone agrees, this is a vitally
7 important issue to this Convention, and to the members
8 of the larger as well as the smaller counties.

9 We are dealing here with the sovereignty of the
10 people of the State of Maryland. The question really is
11 how shall that sovereignty be exercised with respect to
12 one branch of the Government, the State legislature?

13 Not too many years ago there was an English
14 historian of some note, a political scientist, if you
15 will, a man of great distinction, great intellect, by
16 the name of John Stuart Mills. Mr. Mills wrote several
17 essays on the question of representative government. At
18 that time, in England, the House of Commons was composed
19 of men selected from clubs in London and elsewhere,
20 and he was campaigning for a representation for the
21 minorities. His motto was that there would be and there

1 could be, and there was, in fact, in the legislature
2 in London and in England itself a tyranny in the majority.

3 We are not arguing here today. The minority
4 report does not argue the case for one vote per county, but
5 it is arguing to say that this Convention is going to
6 operate and is going to put it in the Constitution itself
7 if it decides to try, after two months deliberations, that
8 the size of the legislature for all time, barring a
9 Constitutional amendment sometime in the future -- and
10 we know how difficult this is to get accomplished, shall
11 be in the ratio of 35 to 105.

12 There seems to be some implied criticisms of the
13 remark I made, that my remarks were intended to imply some
14 derogation of the members of the Legislative Branch
15 Committee. If any of those remarks were so taken by any
16 member of that Committee I do hereby apologize for it.
17 I thought it was appropriate to point out that there was no
18 unanimity of opinion on that Committee, that the condition
19 existed while the Committee had this matter under con-
20 sideration, and I say to you fellow delegates, it exists
21 here today.

1 We are talking, the Chairman has mentioned
2 the fact that never in the tradition of Maryland has
3 this formula that we are recommending here today been
4 applied to the State as far as apportionment is concerned.
5 I have to say that never in the State of Maryland has it had
6 to face two Supreme Court decisions and try to resolve
7 two difficult decisions as they have today in Baker
8 versus Carr and Reynolds versus Simms decisions.

9 I say again the testimony of the legislators that came
10 before our Committee was mixed. It was mixed. The Chair-
11 man mentioned 12 people who talked and said that we should
12 set that figure in the Constitution -- 12 members of the
13 legislature. He says that somewhere we have to draw
14 the line; The buck stops here.

15 That seems to me that he is afraid to let the
16 legislature handle their job. I think Delegate Bamberger
17 pointed out that this is a difficult job. Nobody has
18 ever said that the life of the legislator is an easy job.
19 It never will be if the legislator is doing his job.

20 THE CHAIRMAN: Delegate Gleason, you have
21 three-quarters of a minute.

1 DELEGATE GLEASON: I say once more to my
2 fellow Delegates in this Committee and this Convention,
3 we are here dealing with a situation that is unique in the
4 history of State government in the United States. We
5 should allow time for the Supreme Court decision to have
6 effect. We should allow time to see what the gambits and
7 parameters of these decisions may be, and we should
8 allow this matter to be discussed in Committees, and be
9 discussed with people that can take a lot of time to
10 consider it and not put it and freeze it into the
11 Constitution.

12 Thank you.

13 THE CHAIRMAN: Delegate Gallagher.

14 DELEGATE GALLAGHER: Mr. Chairman, it is most
15 unfortunate that the sponsor of the amendment would
16 hold out what I would characterize as the whimsical hope
17 that the Supreme Court of the United States is going to
18 change its one-man/one-vote rule, and that we feel is
19 inevitable will not happen. I have said that we developed
20 figures to show that if every county in this State were
21 to have one member of the House in 1970, it would at least

1 be 192; in 1980, 227; 1990 or 2000 undoubtedly
2 you would parallel the Congress of the United States
3 at 435.

4 He has also made the unfortunate confusion of
5 mixing up the fixing of the number of the members of the
6 House and the Senate with the process of apportionment.
7 That matter has not as yet been reported upon by the Legis-
8 lative Committee, but I described it yesterday to Delegate
9 Adkins, and the legislature will have the job of drawing
10 the districts itself within certain confines. That is,
11 compact and contiguous and other general confines. So we
12 are not redistricting or reapportioning anybody in
13 or out of this legislature as a result of fixing the number.

14 The question is simply this: Is there some
15 number which this Constitutional Convention feels pro-
16 vides the ideal way to operate the General Assembly of
17 Maryland; and I suggest there is such a number. We may
18 not have it at 105 and 35, but I submit to you that we
19 are in a far better position here to decide what the
20 ideal balance may be between efficiency in government and
21 representation in government.

1 Those who urge a number are not opposed to representative
2 government. We are interested in effective government, and
3 representation can become such a runaway cause that
4 efficiency, indeed effectiveness, may well disappear from
5 the General Assembly.

6 All I ask this Committee to do today is to
7 provide the avenue of maximum efficiency with maximum
8 representation. We have told you that the members of the
9 General Assembly do not want to fix their numbers..

10 Why should we give them a job which is ours,
11 and which they do not want? How long do you think it
12 will take for them to straighten out the matter of
13 numbers if we entrust them with that responsibility? This
14 is a Constitutional matter. This has to do with the
15 future success of the General Assemblies of the State of
16 Maryland. This has to do, ladies and gentlemen, with
17 whether or not the people who come down here will attend
18 to matters which they ought to attend to, and not to
19 matters of internal concern.

20 I submit to you that this is not a question of
21 whether a small county will have a voice or not. The

1 small counties may be few in number, but I notice they have
2 very effective voices, as is evidenced by some of
3 the people in this General Assembly.

4 I say to you further that our Committee had
5 before it a proposal that each county which did not
6 receive a delegate under any reapportionment scheme or
7 plan would have a non-voting delegate, and I am sad to
8 say that the representatives from the small county, with
9 an opportunity to vote for a voice when they didn't have
10 a voice, voted against that proposal. I regret to tell
11 you.

12 So I am not carried away by the idea that we
13 are deciding here and now whether or not there shall be a
14 voice. Everyone shall be represented.

15 THE CHAIRMAN: Delegate Gallagher, you have
16 just a little over a quarter of a minute.

17 DELEGATE GALLAGHER: Mr. Chairman, Ladies and
18 Gentlemen of the Committee:

19 We will rue the day that we decided that we
20 could not face up to this problem if we don't set the
21 number. I urge you to vote against the amendment.

1 THE CHAIRMAN: The time of debate having ex-
2 pired, the question arises on the adoption of Amendment
3 No. 4. A vote Aye is a vote in favor of the adoption of
4 the amendment. That is, to leave --

5 DELEGATE WHEATLEY: Mr. Chairman.

6 THE CHAIRMAN: Let me state the question.

7 A vote No is a vote against the adopting of the
8 amendment.

9 For what purpose does Delegate Wheatley arise?

10 DELEGATE WHEATLEY: A parliamentary inquiry,
11 Mr. Chairman.

12 THE CHAIRMAN: State the inquiry.

13 DELEGATE WHEATLEY: So we are abundantly
14 clear on the vote, if we pass this particular amendment,
15 would it then, (a) preclude putting any further limitation
16 as to number; or (b) would it preclude an amendment
17 that would specify exact numbers without provision under
18 law?

19 THE CHAIRMAN: As the Chair announced at
20 the beginning of the consideration of this Committee
21 Recommendation yesterday, we will proceed to a consideration

1 of all the amendments submitted by the various Committee
2 reports. There are amendments substituting other numbers.
3 That is the procedure that we will follow. The answer
4 to your question is yes.

5 A vote Aye is a vote in favor of Amendment No.
6 4. A vote No is a vote against.

7 Roll call vote. Cast your vote.

8 Has every delegate cast his vote? Does any
9 delegate desire to change his vote? The Clerk will record
10 the vote.

11 There being 46 votes in the affirmative and
12 92 in the negative, the motion is lost. The amendment
13 fails.

14 The next item on the debate schedule is a
15 consideration of the Minority Report No. LB-1C. The Chair
16 recognizes Delegate Gilchrist for the purpose of presenting
17 the Minority Report LB-1C.

18 Delegate Gilchrist.

19 DELEGATE GILCHRIST: Mr. President, Ladies
20 and Gentlemen of the Commission:

21 I think I might almost start

1 this with, "Blessed be the peace makers, for they
2 shall enter the Kingdom of Heaven."

3 This Minority Report is the result in part
4 I think of having 11 lawyers and 3 Ph.D.'s on a single
5 Committee. It is an attempt to resolve a series of very
6 divergent points of view with respect to the size of the
7 General Assembly.

8 Boiling those points of view down, the ques-
9 tions which are raised are these: Shall we discard our
10 traditional county representation completely and move
11 into a totally new system, or shall we cling to what we
12 have had and let the legislature grow without hindrance,
13 and let the future take care of itself?

14 There is a middle ground which this Minority
15 Report proposes, which it sought.

16 Yesterday, in the invocation, the minister re-
17 ferred to the difference between that which ought to be
18 and that which can be. This is the problem we are facing
19 now.

20 Politics, and that is what we are engaging in
21 i n the best sense of the term, has been defined as the

1 art of the possible. The possible is what we believe this
2 Convention must seek.

3 The Majority Report of the Committee, on page
4 9, shows the apportionment of the proposed 35-105 legis-
5 latures in the 1970s. I invite you to take a look at it.
6 If you take that legislature as apportioned on
7 that sheet you will find that 17 counties do not have
8 a senator they can call their own, and nine counties do not
9 even have a delegate they can call their own. A delegate
10 in 1970 will represent 37,700 people, and the senators,
11 113,000 people.

12 The senate doesn't bother me so much and it
13 doesn't bother the other members of the Minority so much;
14 but the idea of the House of Delegates does.

15 I might say that I am not now and never have
16 been a practicing member of a political machine, nor
17 do I come from a county which is likely even in the distant
18 future to be without a delegate it can call its own.
19 But I do believe that the eight counties on the Shore who
20 don't have population enough for five delegates under
21 the majority proposal are entitled to some consideration.

1 Under the majority recommendation, in 1970
2 only seven political subdivisions of this State will be
3 represented by a man they can call their own. On the
4 projected 1980 population this figure will drop to five
5 subdivisions of the State, and every delegate will represent
6 nearly 45,000 people.

7 It is possible for us to do far better by these
8 people without compromising for all time the principle of
9 maintaining a limit on the size of the house. As the
10 Chairman of our Committee said, most of the legislators who
11 appeared before us suggested that the present size was about
12 the top limit of workability, even though it might be a
13 bit more efficient if it were reduced somewhat.

14 An apportionment of 144 delegates as a maximum
15 can be made from 1970, which will give each county at least
16 a chance to be represented. We have made a sample of this
17 kind of an apportionment, and it can be done.

18 The majority proposal freezes every legislator
19 into a little kingdom with single member districts for
20 all. This minority believes that the legislature
21 should have flexibility in the years to come.

1 Our amendment offers alternative solutions and
2 indeed flexibility.

3 In 55 legislative bodies out of a total of
4 99 in the United States there are used combinations of
5 single and multi-member districts. Maryland could
6 do so too and still reduce the voter confusion which
7 results from long ballots.

8 The minority proposal also permits the use of
9 the slot system, a system which is used in 18 bodies,
10 mostly in the Southwest, but including California, a
11 system where if there are three member delegate districts,
12 a delegate can run for slot one, slot two, or slot three,
13 and the people can choose their appointments from those
14 slots.

15 The legislature might even use a system which
16 is in use in the lower house in Illinois, that of cumulative
17 voting, where if there are three delegates running in
18 your district you may cast three votes for any one of
19 three persons, or you can pass two for one and one for
20 another. This is the kind of a system that could help
21 to assure these small counties representation.

1 The Constitution which we are writing here
2 in Annapolis will not last unless it has flexibility,
3 but at the same time it will not pass unless it offers
4 representation.

5 A vewy few ~~years~~ before Maryland wrote its
6 first Constitution a ship called the PEGGY STEWART
7 was burned in the Harbor of Annapolis on the question of
8 taxation without representation. I do not suggest that we
9 should go back to the harbor and burn the MARYLAND LADY
10 on the question of small county representation.

11 I am not ashamed of compromise. Edmund Burke,
12 in his speech on the conciliation of America, said, "All
13 governments, indeed every human benefit and enjoyment,
14 every virtue and every prudent act, is founded upon
15 compromise."

16 This minority report and amendment offers flexi-
17 bility. The ratio between the number of members in the
18 House and that in the Senate can be changed. Alternatives
19 in districting, and the hope of representation for diverse
20 areas and communities of interest are offered.

21 It offers a size which permits more latitude

1 than the limited numbers of the majority proposal. Yet
2 it is smaller than the unlimited numbers of members
3 of this house, about which we have heard.

4 It is flexible, because it will permit an
5 increase or a decrease as reapportionment or redistricting
6 may require.

7 Al Clagett was talking this morning about the
8 thinking of the people being reoriented. One of the
9 problems with the reorientation of thinking is that this is
10 a very, very slow process. I believe that ultimately
11 the people of Maryland are going to have to think on a
12 different basis than that on which they have been thinking.
13 I believe that the proposal of the minority permits the
14 system of representation in this capital to accommodate
15 to the reorientation of thinking, to accommodate with a
16 population of 1,600,000, which is forecast for 1980, and
17 5.5 million for 2000.

18 I believe that we owe a duty to the people of
19 this State to try to fix something which is not unreasonable,
20 to try to fix something which will afford flexibility.

21 Delegate Scanlan inquired of a previous speaker

1 as to whether or not any other State in the United States
2 left it solely to the legislature as to whether or not
3 it would fix its own numbers. There are two, is the
4 answer. Forty-eight think that there ought to be a limit.

5 I believe there ought to be a limit, and our
6 committee, and I believe the small counties, the
7 small communities think that this legislature has to stay
8 workable. You are not going to understand their concern.

9 I believe that in the compromise which is involved
10 in this amendment there are the possibilities of a great
11 many different answers to the problems which face us, and I
12 believe that as we delegate so many other functions to the
13 legislature it is proper for us to delegate to the
14 legislature the possibilities of providing better
15 government within limits. This is the view which the
16 minority adopts, and we respectfully urge that you vote
17 favorably upon the amendment to the committee recommendation.

18 Thank you, Mr. President.

19 THE CHAIRMAN: Are there any questions of the
20 minority spokesman for the purposes of clarification of the
21 minority report?

1 Are there any questions?

2 Delegate Sollins. .

3 DELEGATE SOLLINS: Delegate Gilchrist, if I
4 understand your proposal correctly, and I would like
5 to, will the legislature be permitted in some areas
6 to have a ratio of three-to-one, for example in the
7 Western part of Maryland; four-to-one in the Eastern part,
8 and so on?

9 DELEGATE GILCHRIST: No. The legislature
10 must establish a ratio of delegate districts to the
11 senate districts. It may divide that senate district into
12 a number of delegate districts, or it may permit the
13 delegates from that district to run at large within the
14 district.

15 DELEGATE SOLLINS: You are not answering my
16 question, or I don't understand your answer.

17 Will the legislature have to then establish one
18 ratio that will be applicable to the entire State?

19 DELEGATE GILCHRIST: Yes.

20 DELEGATE SOLLINS: Where is that in your proposed
21 language?

1 DELEGATE GILCHRIST: Yes, is the answer.

2 THE CHAIRMAN: His question is, what portion
3 of the proposed language justifies the answer?

4 DELEGATE GILCHRIST: "The General Assembly
5 shall prescribe by law the ratio of the number of members
6 of the House of Delegates to the number of members of the
7 Senate," in lines 12 through 16.

8 THE CHAIRMAN: Delegate Sollins.

9 DELEGATE SOLLINS: As I understand, reading on,
10 you say, "But the ratio shall not be greater than four-
11 to-one."

12 DELEGATE GILCHRIST: Yes. This is not a mul-
13 tiple. This is a ratio. This is not a series of ratios.

14 THE CHAIRMAN: Delegate Sollins.

15 DELEGATE SOLLINS: As I understand it, then,
16 the legislature could sometime in the future set up a
17 situation where we could have 20 senators and 60 delegates?

18 DELEGATE GILCHRIST: Yes, sir.

19 DELEGATE SOLLINS: Or this could make it 36
20 and 144?

21 DELEGATE GILCHRIST: Yes.

1 DELEGATE SOLLINS: Or 30-90 -- any number of
2 possible combinations.

3 DELEGATE GILCHRIST: That is correct.

4 DELEGATE SOLLINS: With the multiple member
5 situation that you have suggested here, would that be
6 applicable throughout the State, or could there be some
7 areas that would be single member districts and
8 some multiple?

9 DELEGATE GILCHRIST: Some could be single member
10 districts, others multiple member districts.

11 DELEGATE SOLLINS: That would be within the
12 latitude of the legislature.

13 DELEGATE GILCHRIST: There are 55 legislative
14 bodies in the United States, including both senates and
15 houses, out of 99, that are currently using this system.

16 THE CHAIRMAN: Any further questions?

17 Delegate Sherbow.

18 DELEGATE SHERBOW: I understood it earlier in the
19 day when we began this discussion, the attempt was to
20 limit the amendments to the subject of the number of
21 representatives in the General Assembly, and the matter

1 of how they shall be elected, and the matter of districts
2 was taken out of the committee's proposal and later
3 was taken out of the first amendment to the proposal.

4 I take it then that on this amendment, if we are going
5 to follow the other precedents, that the only matter that
6 would be before us would be the total number and the
7 ratio of that number as between the senate and the house.

8 Am I correct?

9 THE CHAIRMAN: The only way we could accomplish
10 that with the amendment drawn the way it is is to
11 separate the amendment into two parts, the first consisting
12 of lines 8 down to and including the first two words of
13 line 18, and the second one consisting of lines 18 to 21.

14 DELEGATE GILCHIRST: Yes, Mr. Chairman. I be-
15 lieve it is susceptible of division.

16 THE CHAIRMAN: Does Delegate Sherbow desire
17 such division?

18 DELEGATE SHERBOW: I so move.

19 I would like to see us keep that orderly pro-
20 cedure, because one part I may be for and another part I
21 may be against, and there may be others in the same



1 situation.

2 THE CHAIRMAN: I think it is dubious that can
3 be divided quite that way. As a practical matter I
4 think we should do so. Therefore, the Chair will provide
5 the question. The question before you when the amendment
6 is offered will be as I have indicated.

7 Are there any further questions of the Minority
8 spokesman?

9 Delegate Sollins.

10 DELEGATE SOLLINS: Delegate Gilchrist, as I
11 understand it, the maximum number that we could have in
12 the house under the proposal would be 144?

13 DELEGATE GILCHRIST: This is correct. When
14 you establish a three-to-one ratio, or a four-to-one ratio --

15 DELEGATE SOLLINS: Based on population figures
16 we have for 1970, Delegate Gilchrist, how many counties,
17 even at 144 would still not have a delegate that they
18 could call their own?

19 DELEGATE GILCHRIST: Thank you for asking
20 that question.

21 We have districted the State on the

1 basis of the estimated population in 1970, and the only
2 place in which there is any problem with this is that
3 there is a possibility, obviously, where there are groups
4 of counties, that you may not have it; but there would
5 be, if a four-to-one ratio is established, for example, and
6 a maximum of 144, there would be two senators and four
7 delegates from the Eastern Shore, excluding Cecil County.

8 This would permit one delegate to be elected
9 from each of the counties that are involved in the district.

10 I am not saying that these necessarily will be
11 elected from there. What I say is that there is a
12 possibility of people being elected from each of those
13 counties, and this is the only system I have seen that
14 does provide it.

15 THE CHAIRMAN: Delegate Sollins, just a minute.

16 Delegate Gilchrist, did you mean that answer,
17 one delegate for each county? You would have four
18 delegates in each county.

19 DELEGATE GILCHRIST: Four delegates in each
20 senatorial district.

21 DELEGATE SOLLINS: But you are not suggesting

1 in your recommendation a resident requirement, are you?

2 DELEGATE GILCHRIST: No.

3 DELEGATE SOLLINS: Four delegates could come
4 from one county and none from another, under your proposal?

5 DELEGATE GILCHRIST: I think you would find it
6 very difficult to get in the upper area of the Shore a
7 sufficient majority in any one county to elect people from
8 that county for four slots. I believe that there is
9 a built-in residual vote in each of the counties that
10 will in the course of nature take care of a good bit of
11 this.

12 THE CHAIRMAN: Delegate Sollins.

13 DELEGATE SOLLINS: If we had 144 delegates in
14 the house in 1970, how many counties would have a delegate?

15 DELEGATE GILCHRIST: In all probability every
16 county would have a delegate. I do not by this pretend
17 to say that every county will have a delegate.

18 THE CHAIRMAN: Delegate Sollins.

19 DELEGATE SOLLINS: As I see the figures, and I
20 want to get clarified, if I am wrong, Delegate Gilchrist,
21 at 144 members in the House, eight counties will still

1 not have enough people in them to justify a delegate.

2 Is that correct or incorrect?

3 DELEGATE GILCHRIST: This is incorrect.

4 THE CHAIRMAN: Any further questions?

5 DELEGATE SOLLINS: Mr. Chairman, I just
6 dispute the figures.

7 THE CHAIRMAN: Th is is just a question period.
8 You can dispute the figures in the debate period. Any
9 further questions?

10 Delegate Chabot.

11 DELEGATE CHABOT: Delegate Gilchrist, would you
12 tell us what would be the range of populations in the
13 districts? What would be the population of the smallest
14 and what of the largest?

15 DELEGATE GILCHRIST: I can tell you precisely
16 in senatorial districts. You understand this was not done
17 with census tract maps. This was done simply on the
18 basis of -- it is also run on an estimated population
19 basis, so we have the 1970 estimate. The low group in the
20 senatorial district is 102,000 in Washington County. The
21 high in it is 114,000 in the combination of Harford,

1 Charles and St. Mary's Counties.

2 THE CHAIRMAN: Any further questions?

3 Delegate Chabot.

4 DELEGATE GILCHRIST: The average is 110,800.

5 THE CHAIRMAN: Delegate Chabot.

6 DELEGATE CHABOT: Would it be fair to assume
7 then that your proposal would contemplate that where a
8 senatorial district would include several counties,
9 that in all probability the House districts would not be
10 single member districts?

11 DELEGATE GILCHRIST: I do not think this is
12 necessarily the case. They could be multi-member districts,
13 or the legislature could adopt the slot system. The
14 legislature could adopt cumulative voting, or it could use
15 single member districts.

16 DELEGATE CHABOT: But based upon your answers
17 to Mr. Sollins and your answers to me, I assume that we
18 could not have each county having at least one member of the
19 House of Delegates if we had single member House districts,
20 is that correct?

21 DELEGATE GILCHRIST: You can come pretty close,

1 depending upon the way you district.

2 For example, there are now in Kent County,
3 or there are estimated to be in Kent County in 1970, 17,900.
4 One-fifth of the average population in that district would
5 be about 21,000 people, so that in all likelihood the
6 bulk of the Kent County, the bulk of the House district
7 would be in Kent County.

8 THE CHAIRMAN: Delegate Chabot.

9 DELEGATE CHABOT: What would be the range of
10 populations in House districts, assuming that you
11 had the maximum number of house districts permissible
12 under your proposal, if we had single member districts?

13 DELEGATE GILCHRIST: If we had single member
14 districts -- I have not attempted to single-member the
15 district for house purposes, because this is obviously
16 impossible on a state map and without census tract figures,
17 but you would have an average figure of roughly 22,000, or
18 roughly 27,000 people in each district.

19 THE CHAIRMAN: Delegate Chabot.

20 DELEGATE CHABOT: But you indicated Kent County
21 was expected to have approximately 17,000 to 18,000 people.

1 DELEGATE GILCHRIST: Yes.

2 DELEGATE CHABOT: Could you explain then how
3 Kent County, with a population of 17,000 to 18,000,
4 could have one delegate, if the average size of the delegate
5 district was approximately 27,000?

6 DELEGATE GILCHRIST: Because 17 or 18 is
7 two-thirds of 27, and two-thirds of the people in that
8 House district are very likely to be in Kent County, and
9 they are going to be the control over the area.

1 THE CHAIRMAN: Any further questions?

2 Delegate Bennett?

3 DELEGATE BENNETT: Mr. Gilchrist, I do not
4 know whether you have had an opportunity as yet to read
5 the report of the Committee on Local Government.

6 DELEGATE GILCHRIST: I have not, sir.

7 DELEGATE BENNETT: There is a proviso in there,
8 as you know, or a suggestion that there might be such things
9 as multi-county government, and in that case, if that
10 were adopted--

11 THE CHAIRMAN: Delegate Bennett, would you hold
12 the microphone close to your mouth, please, sir?

13 DELEGATE BENNETT: -- if that were adopted,
14 wouldn't that change the thrust of your argument considerably?

15 DELEGATE GILCHRIST: Not at all, sir, because this
16 is totally adaptable to an amalgamation of counties. It is
17 simply related to the senatorial districts.

18 THE CHAIRMAN: Delegate Hanson?

19 DELEGATE HANSON: Delegate Gilchrist, since we
20 did not have an opportunity to discuss this in committee,
21 I wonder if it is possible under this plan for the

1 delegation from one large county to decide to even use
2 the four-to-one ratio, to have single-member districts,
3 a delegation from another distirct, to decide for the slot
4 system, and another delegation to prefer a multi-member
5 system with residence districts and another a multi-member
6 system with winner take all.

7 DELEGATE GILCHRIST: Of course, the legislature
8 is going to have to determine What this will be. You
9 just participated in one in which you let the legislature
10 have free reign as to anything they wanted to do with
11 it, and this is more restrictive than that.

12 THE CHAIRMAN: Delegate Hanson.

13 DELEGATE HANSON: Thank you, sir.

14 THE CHAIRMAN: Delegate Beatrice Miller.

15 DELEGATE B. MILLER: Delegate Gilchrist, you
16 indicated in answer to a question of Delegate Sollins
17 that it was possible, though not probable, that all
18 counties could be represented under your plan, using the
19 same system. If the most unfortunate circumstance were
20 to happen, how many counties couldbe unrepresented under
21 that plan?

1 DELEGATE GILCHRIST: If you could persuade the
2 people of Somerset close to Wicomico and Dorchester all to
3 vote for the same person from one of the counties,
4 unquestionably you would have three counties unrepresented
5 in that district. The same thing is true if you got into
6 Talbot and Caroline, Queen Annes and Kent, but it
7 seems to me that it is improbable.

8 DELEGATE B. MILLER: How many of the total would
9 there be of such a probability or possibility?

10 DELEGATE GILCHRIST: Obviously you can run into
11 a probability range that would be about 7 or 8.

12 THE CHAIRMAN: Any further questions of the
13 minority spokesman? If not, if he will return to his seat,
14 we will take up the consideration of Amendment No. 5.

15 The Clerk will read the amendment.

16 Before the amendment is read, are copies being
17 distributed?

18 Please strike out the printed language "To
19 Amendment No."

20 Amendment No. 5 to Committee Recommendation
21 LB-1. The Clerk will read the amendment.

1 MR. QUILLEN: Amendment No. 5 to Committee
2 Recommendation No. LB-1, by Delegates Gilchrist, Bushong,
3 Anderson, Linton, Gleason, Della.

4 On pages 1 and 2 of Committee Recommendation No.
5 LB 1 strike all of Section 3.04. Composition of the
6 Legislature and insert in lieu thereof the following
7 section:

8 Section 3.04. Composition of the Legislature.

9 The General Assembly shall prescribe by law
10 the number of members of each house of the General Assembly,
11 but the total membership of both houses shall not exceed
12 one hundred and eighty. The General Assembly shall
13 prescribe by law the ratio of the number of members of
14 the House of Delegates to the number of members of the
15 Senate, but the ratio shall not be greater than four to one.
16 The state shall be divided by law into districts for the
17 election of senators. Senatorial districts shall consist
18 of not more than four whole delegate districts
19 or a multi-member delegate district represented by not
20 more than four delegates.

21 THE CHAIRMAN: The Chair recognizes Delegate

1 Gilchrist for the purpose of moving the amendmetn.

2 DELEGATE SHERBOW: Mr. Chairman, may I ask
3 whether the Chair will provide the amendment?

4 THE CHAIRMAN: Yes.

5 DELEGATE GILCHRIST: I move the amendment.

6 THE CHAIRMAN: Is there a second?

7 (Whereupon, the motion was seconded.)

8 THE CHAIRMAN: The amendment is moved and
9 seconded. The Chair will provide and treat as the
10 first question lines 8, to and including the first two
11 words of line 18 and will treat as the second question the
12 last sentence, consisting of linr 18, beginning with the
13 words "senatorial district," down to and including the
14 end of line 21.

15 The Chair recognizes Delegate Gilchrist, who
16 has ten minutes of controlled time.

17 DELEGATE GILCHRIST: Mr. Chairman, ladies and
18 gentlemen of the Convention: In 1970 Kent County will
19 celebrate its 330th birthday. In 1970, Baltimore City
20 will have a population of 946,000. Prince Georges County
21 is one of the fastest growing counties in the United States.

It is 323 miles from Ocean City to Oakland.

1 Garrett County has an average snowfall rather
2 than Juneau, Alaska. You can govern by committee if
3 you wish to.

4 These are not unrelated facts. These are the
5 material with which we are dealing today.

6 On these are predicated the dilemma of this
7 Convention.

8 Shall we forget tradition, geography, different
9 characteristics?

10 Shall we remember in our votes the concern that
11 we voiced in debate over the failure of the small communities
12 of interest?

13 Shall we do as much as we properly can to remember
14 them as we try to create better legislature for Maryland?

15 There are a few things in this world which are
16 black or white. Most of them are some shade of gray, and
17 I suggest that this convention has the job of assembling
18 the most becoming state or shade of gray that it can find
19 for the state of Maryland.

20 I want to tell a story, and then I am going to
21 quit, because we have argued most of the things that can

1 be argued on this subject in this hall today.

2 Somebody told me a story a few weeks ago of
3 the pig standing in a barnyard beside a chicken, who
4 looked up and said to the pig, "My, isn't that wonderful. Look
5 at the sign on that truck, 'Ham and eggs, America's favorite
6 breakfast.' The pig looked at the chicken and said,
7 wonderful for you, for you it is a contribution, for me
8 it is total commitment."

9 I don't want to ask Kent County in 1970
10 to celebrate its 330th birthday in a state of total
11 commitment.

12 This is a county. This is a situation in which
13 the larger geographical subdivisions can afford
14 the contribution, but like the poor pig, the other geographic
15 areas of Maryland can ill-afford total commitment. I urge
16 the adoption of the amendment.

17 DELEGATE GALLAGHER: Mr. Chairman and ladies
18 and gentlemen of the committee, it is difficult for me
19 to oppose a plan which has within it the possibility that
20 the majority of the committee recommended and that is
21 to say under Mr. Gilchrist's amendment it is quite possible

1 With the three-to-one ratio we could have what we suggest,
2 to the extent that possibility exists within the plan,
3 I certainly applaud it.

4 However, having recognized its virtue, I must
5 also recognize its singlemost glaring significant defect
6 which is this: That the amendment which we have before us
7 is the avenue to perpetuating what we have at this moment.
8 We do not want to continue what we have, because using
9 the four-to-one ratio you can provide for a house of
10 144 and a senate of 36. I do think that is exactly what
11 would spring to mind if this amendment were adopted because
12 of the attempt I think to provide each county with as much
13 of an opportunity to have a delegate it can call its
14 own as possible. However, if one takes the 1970 census
15 projection for Maryland, it would appear that in order
16 to be entitled to a delegate all its own, a county would have
17 to have 27,700 population.

18 As I look at the 1970 projections, I count
19 the following counties with less than 27,700 population.
20 Calvert, Garrett, Kent, despite its 330th anniversary, Queen
21 Annes, Somerset, Talbot, I count seven and quite a possibility

1 Worcester might be in that because it would be 1,700 under
2 the 27,700 projection.

3 Consequently, while I applaud the attempts of
4 Mr. Gilchrist to be the peacemaker, we need the peacemakers
5 among us. I don't think really the possibility as
6 suggested holds out more than the prospect for a General
7 Assembly of 144 delegates and 36 senators with the seven
8 counties not really being entitled to a delegate under the
9 population formula, not that it might not happen that they
10 would be significant enough in voting in a larger area to
11 elect their own resident delegate.

12 That might be possible. I recognize that. The evil
13 that I think we are trying to combat here is too large a
14 house. We have a house of 142 members and actually under
15 the amendment before you, in order to keep the four-to-one
16 ratio, you would add two more delegates to a house
17 which is already overcrowded.

18 We go from 142 to 144. This, it seems to me, would
19 only compound by two the overcrowded situation which we have
20 and which we have heard described and a house which is
21 really too large to function effectively at the committee

1 level.

2 I would return once again to the committee report
3 which does provide 105, the setting up of three committees
4 to split the work of the House of Delegates on a genuine
5 basis and to apportion among the House of Delegates at 105,
6 a genuine distribution of the workload, and thereby provide
7 a very effective lower chamber.

8 If I believed that within the formula that
9 the amendment suggests that 35-105 would be adopted, I would
10 certainly recommend it, but I feel and I think the other
11 members of this committee would certainly feel what is
12 going to happen is the 180 maximum is going to be used.

13 We are going to have a four-to-one ratio, 36
14 Senators, 144 delegates, 144 delegates is two more than we
15 ought to have under any circumstances, and is many more than
16 we ought to have at the moment.

17 Therefore, Mr. Chairman, I oppose the amendment
18 despite the obvious virtue that I have referred to, but human
19 nature being what it is, I feel we can expect the 36-144
20 figure and I feel that is something that this Convention
21 does not want to recommend.

1 In so doing, I recommend once again the
2 committee report of 35 and 105.

3 THE CHAIRMAN: Delegate Gilchrist.

4 DELEGATE GILCHRIST: Mr. Chairman, how much time have

5 THE CHAIRMAN: You have a little less than seven
6 minutes to allocate.

7 DELEGATE GILCHRIST: I allocate three minutes
8 to Delegate Grant.

9 THE CHAIRMAN: The Chair recognizes Delegate
10 Grant to speak in favor of the amendment.

11 DELEGATE GRANT: Mr. Chairman, I represent 20,000
12 people living on the Mississippi River Watershed, who
13 are trying to remain part of the State of Maryland.

14 It might be true we are basking in five inches
15 of snow now. The Road Department assures me the roads
16 are still open. I talked to them a while ago.

17 In spite of a five-hour travel from Annapolis,
18 after you wade through five inches of snow, travel five
19 hours to get down here, and find out we don't want you,
20 some fellow on the other side of the mountain is going to
21 take care of everything you have got, it is not making

1 my people a part of the state of Maryland. "County"
2 to me is not a dirty word. It is a community of interest.
3 It might be historical accident that counties in Maryland
4 have become the communities of interest, but nevertheless
5 they have. People live in different communities of
6 different sizes just like people wear different size
7 shoes. The basic question is whether you want to defranchise
8 people wearing the wrong size shoes to achieve some nebulous
9 good by reducing the size of this body below what is
10 necessary to give these people a reasonable chance to be
11 represented in their legislature.

12 It is not a question of voting strength.
13 Obviously my delegate down here is one of 142 delegates.
14 No matter how much he wanted to pass a bill, he could never
15 pass it if the other delegates did not agree with it.

16 One-man, one-vote is a very understandable
17 and very necessary thing. It is a different question,
18 a question of standing. You have to have somebody here
19 to introduce legislation. You have got to have somebody
20 here to testify before committees. You have got to have
21 somebody here who can give you an answer, will this or

1 won't this work?

2 We are attempting to set up in the State of
3 Maryland as I noticed -- I served on the Local Government
4 Committee -- and will be discussed in this committee, 24
5 small powerhouses to try to run the state.

6 My powerhouse will be attempting to run the
7 largest land area in the state albeit with a very scarce
8 population of about 14 people per square mile.

9 To ask that the people attempting to run this
10 area not be allowed to have a representation in the General
11 Assembly, just a simple representation, to bring to
12 the General Assembly their problems, seems to me to be
13 the height of lack of logic.

14 THE CHAIRMAN: Delegate Grant, your time is up.
15 We will pause a moment before recognizing Delegate Gallagher.

16 Delegate Gallagher.

17 DELEGATE GALLAGHER: Mr. Chairman, how much time
18 do I have left, please?

19 THE CHAIRMAN: You have five minutes to
20 allocate.

21 DELEGATE GALLAGHER: I yield three minutes

1 to Mr. Hanson.

2 THE CHAIRMAN: Delegate Hanson.

3 DELEGATE HANSON: Mr. Chairman, I rise to support
4 the recommendation of the Committee and to oppose the
5 amendment. This amendment is an open invitation to warfare
6 between the House and the Senate every time something has to
7 be done over the question of what the size of either should
8 be.

9 Since no ratio is fixed, the Senate has the option
10 of voting to increase its size and the House has the option
11 of voting to increase its size.

12 Legislative nature being what history demonstrates
13 it to be, there is a strong likelihood neither house will
14 run pell-mell toward the prospect of decreasing its size.

15 Thus the Senate could desire to increase itself to 45, the
16 only cost to it being the decrease of the House to 135,
17 or the House could offer magnanimously to increase itself
18 to 144, the only cost being seven senators in the process.

19 The job we have in this Convention as the
20 Chairman of the Legislative Branch Committee pointed out
21 earlier, is to reconcile several values. One of these

1 is a representational value. How can we best represent
2 the many interests that make up this state in the General
3 Assembly.

4 A second value we have to reconcile with that
5 is how we can have an effective legislature not only in
6 terms of the size of the respective houses to conduct business,
7 but by removing from the legislative arena what is not
8 a legislative but a constitutional problem, and that is
9 what should be the sizes fixed for the House and for the
10 Senate.

11 That is our job. That is the job of the Constitu-
12 tional Convention. The committee has deliberated long on
13 these points. It has done what can be done in its judgment
14 to reconcile these two sometimes conflicting interests.

15 THE CHAIRMAN: You have one half minute, Delegate
16 Hanson.

17 DELEGATE HANSON: There is no way under this plan,
18 proposed as an amendment, that any county can be perpetually
19 guaranteed a seat or even a seat in 1970. There is no way
20 under the plan of the committee that any person living
21 in any county in any part of this state will be denied

1 representation exactly equal to that of every other
2 citizen.

3 THE CHAIRMAN: Delegate Gilchrist, you have four
4 minutes you can allocate.

5 DELEGATE GILCHRIST: I allocate two minutes
6 to Delegate Bushong.

7 THE CHAIRMAN: Delegate Bushong.

8 DELEGATE BUSHONG: Mr. Chairman, we feel that
9 this amendment is a shock absorber. It will give the people
10 who are losing their representation some time to get over it.

11 We think that they should be treated with some
12 by this Convention. The Legislature at any time it sees
13 fit hereafter can change this under this amendment. But
14 it cannot put it up.

15 I want to say to this Convention that we have
16 heard the 1966 legislature praised and praised on the
17 floor of this convention. They had 142. The only thing
18 we are asking is to please don't shock these little counties
19 too fast and too often.

20 THE CHAIRMAN: Delegate Gallagher, you have
21 three minutes you can allocate.

1 DELEGATE GALLAGHER: I yield that time to Senator
2 James.

3 THE CHAIRMAN: Delegate James.

4 DELEGATE JAMES: Mr. Chairman, fellow delegates,
5 in analyzing this proposal, it seems to me that all of
6 the objections that have been hitherto made to the large
7 house appertaining here, lack of visibility, inability
8 to pay compensation, inefficient organization, staffing
9 facilities, all is compatible with this proposal, but
10 moreover, here you could have a complete deadlock. The
11 House and Senate might fail to agree on what this ratio
12 would be and then I do not know whether you would have
13 a general assembly or not.

14 In all probability they would agree to the
15 maximum and that anything thereafter would have to be,
16 any adjustment thereafter would have to be in favor of
17 the Senate at the expense of the House.

18 Certainly no agreement could be reached on that
19 basis. It seems to me this avoids a basic constitutional
20 decision, the adoption of this would be a shirking of our
21 constitutional duty to provide firm constitutional rulings.

1 It puts something in the legislature that should not be
2 there. I am opposed to it.

3 THE CHAIRMAN: Delegate Gilchrist, you have
4 two minutes to allocate.

5 DELEGATE GILCHRIST: I allocate two minutes
6 to Delegate Marvin Smith.

7 DELEGATE M. SMITH: The arguments presented
8 against this and other plans have seemed to be based
9 on the size of the General Assembly and as I have
10 listened to them, they have been based primarily on the
11 premise that the present General Assembly is unwieldy
12 because of the House being based on two committees.

13 What kept going through my mind was why there
14 could not be three or four or five. I notice the
15 Eagleton Report which has just now been distributed to us
16 on page 251 suggests the possibility of five committees
17 in the House of Delegates.

18 I take cognizance of what has been said by
19 Delegates Hanson and James with reference to shirking of
20 responsibility and I will point out to you that the majority
21 report provides that the General Assembly shall prescribe

1 within certain limits just as this says, shall prescribe
2 within certain limits.

3 Mr. Chairman, we do not contemplate that
4 there would be necessarily one delegate per county. We
5 realize that the population is going to change, but I say
6 to you sir that the more delegates there are, the shorter
7 distance some of our people are going to have to travel.

8 THE CHAIRMAN: Are there any other delegates desir-
9 ing to speak in favor of the amendment?

10 Delegate Weidemeyer?

11 DELEGATE WEIDEMEYER: Mr. President, Members
12 of this Convention, in the newspapers this morning we
13 read that New York State has spent \$10 million and six months'
14 time only to have a constitution draft fail when it went
15 before the voters.

16 The reason that draft failed is for two reasons:
17 It either failed to meet the needs of the people, or it
18 did not meet the whimsies of the people.

19 When I hear delegates talk about living up to
20 our responsibility, I think our responsibility here
21 today is to draft a constitution under which the people

1 of the State of Maryland can live for many years to come
2 and With which they will be happy when we submit it, but
3 if we go to any drastic measures of dropping the House
4 of Delegates down to eight or the ridiculous number of
5 105, then you are curtailing representation all over the
6 state.

7 You are making the people of the state of Maryland
8 feel they are losing their representatives. I say to take
9 the committee's report of 105 in the House of Delegates
10 and 35 in the Senate is just about as ridiculous as I
11 could imagine. We could shock the people of the state of
12 Maryland no more than to give them one of those two
13 recommendations.

14 I say if you want to keep the people of Maryland
15 happy and make them feel that they have a part in this
16 state and that they have a chance to vote for representatives,
17 then you better give them representatives in their area.
18 The only way you are going to be able to distribute
19 representation is by a house of a similar size of 142.

20 I have heard some talk about it being unwieldy.
21 I lived with the House for four years from 1962 to 1966.

1 I say that I did not get everything I wanted,
2 but those were four happy years and I felt I did a real
3 good job and I felt all the others were working hard.
4 Probably some of the workload could have been distributed
5 a little bit better, but that is something for the future.

6 I think the faults of the past will lead to
7 improvements in the future in the legislature.

8 I say when you tamper with reducing the size
9 of the House you are shocking the people of the state of
10 Maryland and that one thing alone may be a big factor
11 in defeating the constitution.

12 I say that I worked hard, I was one of those
13 who did not favor the calling of a constitutional convention
14 but I do not think anyone can say I have shirked my
15 responsibility since being here.

16 I have lived up to the promise I made to the
17 people that I would come and try to get out a constitution
18 that they could live with and would approve. That, Mr.
19 President, I am trying to do. If I voted for any reduction
20 of the House of Delegates or the State Senate, I feel
21 I would be shirking my responsibility.

1 THE CHAIRMAN: Any delegate desire to speak
2 against the amendment?

3 Does Delegate Chabot desire to speak against
4 the amendment?

5 DELEGATE CHABOT:: Yes, sir.

6 THE CHAIRMAN: You may proceed.

7 DELEGATE CHABOT:: It is useful in matters like
8 this to try to understand what is the logic of the point
9 of view that was presented by the other side. So in
10 trying to understand this amendment, I tried to put myself
11 into the position of one who is favoring trying to retain
12 at least one representative in the legislature from each
13 county.

14 It was with this in mind that I inquired of
15 Delegate Gilchrist as to what the population figures would
16 be. We learned that if we are to have single-member
17 districts, the only way Kent County could continue to be
18 represented is if some 10,000 people in one or more of
19 the neighboring counties would in effect be deprived of
20 their county representation or at least their opportunity
21 to vote for their county representative.

1 Under the circumstances, I find it difficult
2 to see why one who is in favor of each county having one
3 voice to call its own would favor this proposal.

4 Accordingly, from any point of view, I urge
5 defeat of the proposal.

6 THE CHAIRMAN: Any other delegate desire to speak
7 in favor of the amendment?

8 Delegate Raley?

9 DELEGATE RALEY: Mr. Chairman, members of the
10 convention, I suppose that all the arguments--everybody
11 knows how they are going to vote. But I don't think, I
12 am sure, I know they don't, I know most of you people
13 that don't come from rural areas have little understanding
14 of the deep feeling on this issue.

15 As I see this amendment, it would allow more
16 membership in the House of Delegates. It would not give
17 to any, any guarantee to every county that they would have
18 a representative. But they would have more than they
19 would under 105.

20 Give them a chance. We heard something about
21 thinking around here, thinking of the new, that we have

1 to get away from the fact we are representing counties
2 but are representing people. That does take some time.
3 It has not yet been received in the rural counties.

4 It might very well be that if this kind of
5 amendment were adopted in the Constitution, it would not
6 have the shock as Delegate Weidemeyer mentioned a while ago,
7 it would not have the alienation, the feeling they are
8 going to have that they no longer will be represented
9 in the General Assembly.

10 You cantalk all the logic you want, but the fact
11 remains that it is how the people feel.

12 I hope that we can consider that when we vote.

13 THE CHAIRMAN: Any other delegate desire to speak
14 against the amendment?

15 Delegate Beatrice Miller.

16 DELEGATE B. MILLER: Mr. Chairman, I wish that
17 Delegate Gilchrist who opened his remarks and spoke, I Would
18 have hoped it would be offered in the committee, but at
19 no time in the committee deliberation was the ratio of
20 four to one introduced, nor was it ever considered by us.
21 I would also point out that this compromise or this

1 proposal which is presented as a compromise is in fact
2 not a compromise at all. It is the largest number of all
3 those numbers offered and represents nothing different
4 from the highest number which the committee examined.

5 It is a restatement of the minority position
6 of the committee.

7 In fact, it is made a little larger on the floor
8 here than ever introduced in committee. The compromise
9 position, the position on which we gained the greatest
10 consensus was the number of 105 to 35. It is on that
11 basis I think we should consider compromise.

12 I would also point out that a number of
13 references have been made here to the Eagleton Report.
14 The Eagleton report does not deal with size, but
15 with the organization of the General Assembly. But there
16 are other reports which do deal with size. The report
17 of the Committee for Economic Development, which our
18 committee considered carefully, the model constitution,
19 the new constitutions of this decade all urge very strongly
20 that we do not have an assembly of too large a size or
21 put the maximum number at 100.

1 It was on this basis that we considered the
2 type of General Assembly we would like.

3 I would also make one further point: The issue
4 is not the representation of political subdivisions.
5 The issue is the representation of people.

6 The Constitution, this Constitution which we
7 are writing will rise or fall by the number of individual
8 votes cast upon the issue of whether we want it or not and
9 it will not stand by the number of voters in political sub-
10 divisions.

11 I would urge that we support the majority report.

12 THE CHAIRMAN: Delegate Burdette, do you
13 desire to speak in favor of the amendment?

14 DELEGATE BURDETTE: Yes.

15 THE CHAIRMAN: Proceed.

16 DELEGATE BURDETTE: Mr. Chairman, I rise to
17 say that I shall vote for this amendment and I think I should
18 say that at this time because the majority report quite
19 correctly lists my name as one of those voting For the
20 recommendation.

21 This proposal has been Evolved in informal committee

1 discussions since the time of that vote. I should say
2 also that my name is not in the list of proposers because
3 I felt that the last sentence which has now been divided
4 out presented entirely separate problems.

5 I agree, of course, this is not a representation
6 of counties per se, but on balance, I am inclined to think
7 it is a better representation of the people of Maryland,
8 either in large counties or in small counties, although
9 no county will be guaranteed per se a representative.

10 THE CHAIRMAN: Any other delegate desire to speak
11 in opposition to the amendment?

12 Any other delegate in opposition?

13 Delegate Gallagher?

14 DELEGATE GALLAGHER: Just briefly, Mr. Chairman,
15 This morning in giving the members of the committee the
16 Workload of the House of Delegates I pointed out that the
17 House Ways and Means and Judiciary Committees handled
18 70 per cent of the legislation.

19 No matter what may be suggested by the Eagleton
20 Report, it is quite obvious the other committee or committees
21 created will only carry 30 per cent.

1 Using roughly 32, 33 or 34 as the maximum number
2 of people that you can place upon a committee for effective
3 committee work, it seems quite obvious that the number
4 you would want to strike in the House is about a hundred and
5 in other words, it is very close to the 105 figure.

6 I do believe from the point of view of effective
7 committee work, 144 is too high. I say 144 again because
8 I am convinced that that will be what will happen under
9 this amendment.

10 There are those in this House who believe 142 is too
11 high. Certainly 144 is just a little bit higher yet.

12 I should also point out in order to accomplish
13 keepint the House at 144, there would have to be a reduction
14 of seven members in the Senate, the present Senate being
15 43 and to get the four-to-one ratio, which would be
16 required to preserve the House at 144, you would have to go
17 to 36.

18 As Delegate Hanson has pointed out, this
19 provides the most obvious form of inter-house warfare and
20 by its very nature suggests a stalemate.

21 I do not think we ought to provide the materials

1 of warfare for the House and Senate to fling at each other.

2 Therefore, I would oppose the amendment.

3 THE CHAIRMAN: Any other delegate desire to speak
4 in favor of the amendment?

5 Delegate Malkus?

6 DELEGATE MALKUS: Mr. President, Members of
7 the Convention, we are probably fighting a losing cause,
8 but my people, our people want us to keep fighting so that
9 we will have some representation in the General Assembly
10 of Maryland.

11 I think the Senate of Maryland at 43 and the House
12 at 142 is not unwieldy. If the President of the Maryland
13 Senate is opposed, wants to cut this matter down, if he
14 cannot handle the job, I am sure there will be any number
15 of candidates who are willing to try it.

16 (Laughter)

17 I say this with all the love in my heart for him,
18 as you know, Mr. President.

19 (Laughter)

20 I was in his corner. But if he feels he is unable
21 to do the job, somebody else will volunteer. It will not
be me, of course.

1 If you cut this thing down to the bare bones
2 for the purpose of efficiency, you are going to cut us
3 out of the picture. When you got one-man, one-vote, what we
4 are trying to do for the time being--we do not know what
5 is going to happen, what the population movement is going
6 to be. A long time ago in England, when the Parliament first
7 came into being, it talked about communities of interest,
8 people of a certain interest having some representation.
9 That is what we are fighting for. We are, as you know, succes-
10 sors to the English Parliament. We are fighting for some
11 representation in this General Assembly. One man, one vote.
12 Let me tell you one thing. I have said this in the committee.
13 Somebody reminded me I forgot to say this this morning.
14 You city people are going to have a hard time eating
15 bricks and cement.

16 (Laughter)

17 You may laugh. Very true. You may laugh. But
18 I represent one of those small groups that still feed you
19 folks and I hope to keep on doing it, Mr. President. But
20 when you cut us down to the bare bones, you are cutting us
21 out of consideration almost completely.

1 Any number of people talked here today. I
2 am not talking about county lines. Nobody has ever said
3 I have talked about county lines. I think it would
4 be nice for us to continue to have our traditional
5 county lines. I am talking about communities of interest.
6 When you cut us to the bare bone, you are cutting out
7 agriculture almost out of this picture.

8 You are cutting Tidewater almost out of this
9 picture. A lot of you like to eat fish and crabs.
10 I don't intend to talk like a Goldstein now. Do whatever
11 you want, Mr. President. We will do the best we can
12 and if it does not exactly suit our appetite, thank
13 God for the American people, especially the people of
14 Maryland.

15 THE CHAIRMAN: Delegate James.

16 DELEGATE JAMES: Will Delegate Malkus yield
17 to a question?

18 THE CHAIRMAN: Delegate Malkus, do you yield
19 to a question?

20 DELEGATE MALKUS: You know, Mr. President,
21 This does indeed frighten me, but -- (laughter) -- I will

1 yield.

2 THE CHAIRMAN: You may proceed, Delegate James.

3 DELEGATE JAMES: Knowing his fearless nature,
4 I know he is not frightened. Would this proposal give
5 the Senate the axe? Would it cut the Senate almost
6 of necessity? You read this closely and I think you will
7 find that.

8 DELEGATE MALKUS: Now, Mr. President, this in
9 all probability --

10 THE CHAIRMAN: Delegate Malkus, you have 30
11 seconds. (Laughter)

12 DELEGATE MALKUS: This, in all probability, would
13 help me because it would throw me into an area that
14 maybe I am a little bit better known. But I am not
15 here for that, Mr. President. I am here to represent
16 the area, real, real rural area and I hope that it is not
17 a sin.

18 I am serious. Being a conservative--I hope that
19 does not make me a conservative.

20 I guess my 30 seconds are up. Starting to
21 go out to sea, now, ladies and gentlemen, starting to

1 to have a little fun here.

2 I hope sincerely you will give some consideration
3 to the real, real rural areas and you have to keep this
4 House and Senate large in order for us to even have a
5 squeaky voice.

6 THE CHAIRMAN: Any other delegate desire to speak
7 in opposition to the amendment?

8 DELEGATE WHITE: Will Delegate Malkus yield?

9 THE CHAIRMAN: Delegate Malkus has used his time.
10 He has no time to yield.

11 DELEGATE MALKUS: You are most kind. Thank you
12 very much. (Laughter)

13 THE CHAIRMAN: Does Delegate Bard desire to
14 speak in opposition to the amendment?

15 DELEGATE BARD: I should like to speak in
16 opposition to the amendment and to give the delegates
17 the benefit of my only experiences with it rather briefly.
18 When one first looks at the amendment, it looks good
19 because it promises so much to so many. But the more one
20 studies it, as I have, after first reflection, one
21 recognizes that it has inherently within it a goodly number

1 of elements to keep the status quo exactly as it is.

2 THE CHAIRMAN: There is slightly less than three
3 minutes of uncontrolled debate left. Does Delegate Pullen
4 desire to speak in favor of the amendment?

5 DELEGATE PULLEN: Yes.

6 THE CHAIRMAN: Proceed.

7 DELEGATE PULLEN: I intended to vote for this
8 because it seems to me it is a deliberate attempt to
9 keep Government close to the people. The essence of
10 democracy lies in settling our problems locally and
11 knowing the people we vote for.

12 I testify after over three decades of contact
13 with the legislature that 150 nor even 180 do not frighten
14 me because I knew what was going on and they were pretty
15 generally courteous and kind and considerate. I think we
16 are dealing here with some mathematical figures that
17 really do not mean too much.

18 THE CHAIRMAN: Any other delegate desire to speak
19 in opposition to the amendment?

20 Delegate Murray?

21 DELEGATE C. MURRAY: Mr. Chairman, it is

1 unthinkable that in remedying one inescapable situation
2 we will leave about one-third of our counties without
3 representation in a foreseeable time. I do not know that
4 the bill on the floor is an answer. I certainly doubt that
5 it is an answer. But I make this as a general statement
6 that I do not think we can, while this is a part of
7 our responsibility, I do not think in curing one evil
8 we dare to go home creating and leaving the other in existence.

9 THE CHAIRMAN: The Chair will recognize Delegate
10 Gilchrist to speak in favor of for the remaining time which
11 is one minute.

12 DELEGATE GILCHRIST: Thank you, Mr. President.
13 I should like to comment only on a couple of things mentioned
14 in the course of the debate. One is the mention of
15 the warfare between the House and the Senate. I suggest there
16 is no more warfare inherent in this proposal than in the
17 other. In fact, I suggest that cutting to 105 produces
18 far more warfare than this.

19 I suggest if the Senate and the House of Delegates
20 cannot get along between themselves with respect to
21 this, they cannot get along between themselves with

1 respect to the other.

2 They have the job of reapportioning themselves
3 and properly so. They have the job of policing themselves.
4 They have the job of trying to create that which they
5 started to create last year under a reapportioned
6 legislature.

7 It was our feeling in the legislative branch
8 that we were trying to strengthen the legislature of the
9 State of Maryland. I do not believe you can strengthen it at
10 the expense of either branch. To suggest as the proposal does
11 that we eliminate a few senators and a great many delegates
12 does nothing toward strengthening the legislature.

13 THE CHAIRMAN: The time has expired. Time for de-
14 bate having expired, the question arises upon the adoption
15 of the first portion of Amendment No. 5 to Committee
16 Recommendation LB-1, the first portion being lines 8 to 17
17 and the first two words of line 18. A vote aye is a vote
18 in favor of the adoption of that portion of the amendment,
19 a vote no, a vote against. Cast your votes.

20 (Roll call)

21 THE CHAIRMAN: Have all delegates voted?

1 Have all delegates voted? Does any delegate
2 desire to change his vote?

3 The Clerk will record the vote.

4 There being 58 votes in the affirmative and
5 78 in the negative, the motion is lost.

6 Does Delegate Gilchrist, in view of the action on
7 the first portion of the divided question, desire to
8 withdraw the second portion?

9 DELEGATE GILCHRIST: At this time I will
10 withdraw the second portion of the motion.

11 THE CHAIRMAN: The second portion of the divided
12 question having been withdrawn, the amendment fails.

13 That concludes consideration of the minority reports
14 with respect to Section 3.04.

15 Section 3.04 is still before you for further
16 amendment if there is any further amendment.

17 Does anyone desire to submit any further amendment
18 to Section 3.04? Any further amendment to Section 3.04?

19 Delegate Kirkland?

20 DELEGATE KIRKLAND: Yes, Mr. Chairman.

21 After having --

1 THE CHAIRMAN: Send your amendment to the desk,
2 please.

3 DELEGATE KIRKLAND: Yes, sir, if I may have a
4 page. The balance of them are in the conference room.

5 I am still not convinced --

6 THE CHAIRMAN: Just a second. The Clerk will
7 read the amendment and it will be marked Amendment No. 6.

8 MR. QUILLEN: Amendment No. 6 to Committee
9 Recommendation No. LB-1 by Delegate Kirkland.

10 On page 1 line 24 of Committee Recommendation
11 No. LB-1, strike out the words "one hundred five" and insert
12 in lieu thereof the words "one hundred forty-two";

13 On page 2 lines 1 and 2, strike out the words "be one-third
14 the number of delegates" and insert in lieu thereof the
15 words "not exceed forty-three"; and

16 On page 2 line 4, strike out the words "Each senate"
17 and strike out all of lines 5 and 6.

18 THE CHAIRMAN: Delegate Kirkland, may I paraphrase
19 the amendment as I understand it, just to be sure that
20 I do understand it? The section as amended would then
21 read "Number of members of each house in the legislature

1 shall be as prescribed by law but the number of delegates
2 shall not exceed 142 and the number of senators shall
3 not exceed 53, each delegate shall represent one delegate
4 district and each senator shall represent one senate
5 district. Would that be the section as amended?

6 DELEGATE KIRKLAND: Yes, sir.

7 THE CHAIRMAN: Is there a second to the amendment?
8 (Whereupon, the amendment was seconded.

9 THE CHAIRMAN; The Chair recognizes Delegate
10 Kirkland to speak in favor of Amendment No. 6.

11 Delegate Sharbow?

12 DELEGATE SHARBOW: May I gain suggest that we
13 follow the rule and eliminate that portion dealing with
14 the method of selection as we have been doing all day
15 or we will never get straightened out.

16 THE CHAIRMAN: I do not think that will be
17 necessary here because the amendment is simply an amendment
18 to the section and would leave before you the committee
19 recommendation. No change by this amendment in the language
20 to which you refer. There would still be an opportunity
21 for you to discuss that question.

1 Delegate Kirkland.

2 DELEGATE KIRKLAND: Mr. President, I am still
3 not sure that this representative body is ready to give
4 up the fact that we can fix this figure at the present figure
5 of the House and Senate. We have heard a lot of plaudits with
6 relationship to this past legislative session and it indicates
7 to me that this present body is a workable one and I
8 am sure that it can continue to work and be just as effective
9 as it has in the past.

10 I would like to see this as a compromise to the
11 figures of 105 and 35.
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1 THE CHAIRMAN: Does any delegate desire to
2 speak in opposition to the amendment?

3 Delegate Gallagher.

4 DELEGATE GALLAGHER: Mr. President, Ladies
5 and Gentlemen of the Committee:

6 This amendment seeks to perpetuate the status
7 quo. The status quo was arrived at in fits and patches,
8 as a result of the reapportionment decision involving
9 the Maryland representation committee. I think it has been
10 abundantly made clear by the testimony which we have had
11 before us that the status quo is not satisfactory.

12 Admittedly the reapportioned General Assembly
13 did an excellent job during the 1967 meeting, but it is
14 quite evident that this reapportioned legislature can do
15 an even more effective job with a smaller number.

16 I resubmit that the figures of 35 and 105 are
17 the ideal, and therefore, Mr. Chairman, I would oppose
18 this amendment because if we come down here and do
19 nothing more than raise our rubber stamps and say Yea
20 for what already exists, we certainly haven't shown much
21 imagination or ingenuity or initiative.

1 THE CHAIRMAN: Does anybody else desire to
2 speak in favor of the amendment?

3 DELEGATE DORSEY: Mr. Chairman.

4 THE CHAIRMAN: Delegate Dorsey.

5 DELEGATE DORSEY: Mr. President, I was a member
6 of this body in the session of 1931 and 1933, when the
7 population of this State was just a little over a million
8 people. The membership of this house then was 123. My
9 good friend, Glem Beall, and Stuart Bushong, who were members
10 of the General Assembly at that time, will testify that it
11 operated in an efficient manner and was not unwieldy.

12 Now that the population of this State has more
13 than tripled, the leadership here now is trying to reduce
14 the membership even lower than it was when there were only
15 a little over a million people in this State.

16 You have called, Mr. President, to the atten-
17 tion of this body what happened in New York yesterday.
18 If we want to present to the people of this State a
19 draft which they can vote for, we should not deny them a
20 voice in representative government.

21 If you reduce this number to that brought in

1 in the majority report, it will be taking away from the
2 small counties of this State a voice in the General
3 Assembly.

4 I feel, Mr. President, in view of what has
5 happened in this present body, when the leadership, when
6 the membership is as it is, when the press not only
7 in Maryland but in metropolitan Washington praise the
8 past session for the splendid work, said it was outstand-
9 ing as a legislature, I feel the membership of both bodies
10 should remain as it is. Therefore, Mr. President, I
11 hope this amendment is adopted.

12 THE CHAIRMAN: Does any delegate desire to speak
13 in opposition to the amendment?

14 Delegate Chabot.

15 DELEGATE CHABOT: Sometimes we make one change
16 and find that we have done a number of different things.
17 I am afraid if we adopt this amendment we will not
18 only have affected the size of the legislature, but we
19 will also have made a number of changes without at all
20 considering the matter with regard to residence require-
21 ments.

1 I see no great magic in continuing the present number.
2 I see great value in not discombobulating the other parts
3 of the Constitution in order to continue the present number
4 which was arrived at by happenstance and under the court
5 gun. I suggest we vote against this amendment.

6 THE CHAIRMAN: Does any delegate desire to speak
7 in favor of the amendment?

8 Delegate Kiefer.

9 DELEGATE KIEFER: Mr. President, I hesitate
10 as a delegate from that small county known as Baltimore County
11 to get involved in this kind of an argument. There are
12 several things that occur to me to be important:

13 One, I sense a distinct state of unhappiness
14 on the part of those people from small rural areas.
15 I frankly have sympathy for them because we are making
16 a constitution for the entire State of Maryland.

17 I also note that the figure of 105 delegates
18 and 35 senators was a compromise suggestion arrived at
19 after serious hard debate. However, I have also heard the
20 statement made by the Chairman of the Committee on several
21 occasions that the legislature during the last session

1 worked effectively and efficiently. The proposed amend-
2 ment does only one thing, as I see it: It provides a
3 ceiling, it shall not exceed the present legislature.
4 But if it will make the people from the rural areas
5 happier, if it will protect their interests to a fairly
6 logical and legitimate extent, I frankly would much rather
7 see the compromise of this number than to have people
8 going away unhappy, feeling they have been slighted.

9 I frankly don't think the argument in favor of
10 a more efficient operation carries nearly as much weight
11 when there is only a difference of approximately 45 in the
12 entire group. I would therefore vote against it.

13 THE CHAIRMAN: Any delegate desire to speak in
14 opposition?

15 Delegate Scanlan.

16 DELEGATE SCANLAN: I am against this amendment.
17 If the Gilchrist compromise was not a good amendment -- and
18 by a majority the delegates have indicated it was not --
19 this one is far worse. I will not repeat the arguments
20 against the amendment made by Chairman Gallagher. The
21 Gilchrist amendment at least had some flexibility to it,

1 some elasticity that permitted some intelligent arrange-
2 ment in the future.

3 I would like to say in opposing the amendment,
4 to remark upon an argument that has been made on this
5 floor several times today in connection with the various
6 amendments that have been before the Convention.
7 Constant reference has been made to the sad experience
8 in New York and the fact that the Constitution was de-
9 feated there by the voters yesterday.

10 Fortunately New York is not Maryland and Mary-
11 land is not New York. I wouldn't attempt to analyze on
12 the information I have why the New York Constitution failed.
13 We all know that was a bitter religious issue which, thank
14 God, I hope will not permeate this Convention.

15 Beyond that, the New York Constitution failed
16 because it gave the voters a replica of the past. It
17 disillusioned the voters of New York. It made no reform
18 in the judiciary. It made no substantial reform in the
19 division of powers, taxing powers, between the local
20 government and the State government. It made all the
21 possible mistakes that could be made,

1 Unlike Maryland, they were elected there as
2 Democrats and Republicans and were partisan from the
3 day they formed. They transformed themselves into a
4 junior edition of the New York General Assembly.

5 This Constitutional Convention has not made
6 those basic mistakes. We are elected on a non-partisan
7 basis, we came here as delegates, obedient only to our own
8 conscience as to what is good for the State of Maryland.

9 New York made one other great mistake. In
10 giving the voters just a warmed-over version of what
11 they already have, the delegates of the New York Conven-
12 tion failed in the matter of courage and wisdom. They were
13 rightly repudiated by the voters of New York.

14 I urge my fellow delegates, let us not make that
15 one mistake New York made. Let us in this important re-
16 spect again be different from New York, just as we came
17 here as non-partisans, just as we came here in a spirit
18 to try to fashion the best possible Constitution, even
19 though we might not agree with all parts of it. Let's
20 once again show New York we have in Maryland what they
21 didn't have in their Convention, courage to do the right

1 thing.

2 THE CHAIRMAN: Does any delegate desire to
3 speak in favor of the amendment?

4 Delegate Hutchinson.

5 DELEGATE HUTCHINSON: Mr. Chairman, this body
6 today is comprised of 142 men -- and women; I apologize.
7 Mr. Gallagher has spoken on many occasions about the
8 efficiency of his Committee. His Committee has 20 members.
9 I would like to suggest to Mr. Gallagher that if we
10 would cut the membership of this body, that we would neces-
11 sarily have to cut the membership of his Committee.
12 I would like to ask Mr. Gallagher, who would he cut if he
13 would have to cut individuals, and -- (Laughter) --
14 I would not like to think that we have placed ourselves
15 on such a high pedestal and think we are that much superior
16 intellectually than the members of the House of Delegates
17 to think this body can do an efficient job with 142 members
18 and our legislative officials can not do a job with
19 142 members.

20 THE CHAIRMAN: Does any delegate desire to
21 speak in opposition?

Delegate Gallagher.

1 DELEGATE GALLAGHER: I would like to make this
2 brief response. You cannot compare a Constitutional Con-
3 vention to a General Assembly. The General Assembly
4 finds it most helpful to divide itself into committee
5 work, into three segments. You take the total membership
6 and divide by three.

7 In this Constitutional Convention we have
8 eight substantive areas, and I think if you look at
9 that, it is only natural that we have smaller committees.

10 I would not cut anybody from my committee, be-
11 cause I think we have actually had a committee that repre-
12 sents all points of view; some prevail, some don't. In any
13 event, we have had a full expression of opportunity to
14 speak. We have heard from a great many people. Our size
15 is 20. We are as large as any of the committees of
16 the Constitutional Convention. But the House committees
17 run about 30, and when you get beyond that point, you have
18 trouble.

19 What I am suggesting is a realistic committee
20 arrangement in the house really calls for three
21 committees, and the minute you get beyond 30 to any

1 significant degree you have an unwieldy committee.

2 Therefore, I would submit that the analogy between the
3 House and the Senate considering it as the General Assembly
4 and this Constitutional Convention really is not a good
5 one, and like so many, it limps quite badly.

6 As I said when I opposed this amendment in the
7 beginning, it would be most unfortunate if the
8 happenstance of history and reapportionment, and the Court
9 decree which brought us to a figure of 142 in the House
10 and 43 in the Senate, which certainly wasn't a well-reasoned
11 approach; it was an approach that was reached at the end
12 of a judicial shotgun, that we would find it necessary
13 to bless it and give it the sanctity of a permanent
14 marriage.

15 It was an unhappy courtship, to say the least.

16 THE CHAIRMAN: Does any other delegate desire
17 to speak in favor of the amendment?

18 Delegate Caldwell.

19 DELEGATE CALDWELL: Mr. Chairman, the one-man/
20 one-vote doctrine, the small counties are going to eventually
21 die. I believe that we should give them representation

1 as long as we can, and let them die with dignity.

2 (Laughter.)

3 THE CHAIRMAN: Does any delegate desire to
4 speak in opposition to the amendment?

5 Delegate Neilson.

6 DELEGATE NEILSON: Mr. C hairman, I rise
7 to oppose the amendment offered. The figure as proposed
8 was considered in Committee and all of the witnesses --
9 not all, but most of the witnesses that appeared before
10 us, although they agreed that the past Assembly was a
11 good one, they at the same time agreed that it should be
12 a smaller body. This amendment does nothing more than
13 to continue what we have without any good reason or basis
14 whatsoever.

15 I think if we are to use our initiative and
16 also to rely on the investigation of the hearings of the
17 committee and its deliberations this amendment should be
18 defeated.

19 THE CHAIRMAN: Any other delegate desire to
20 speak in opposition?

21 Delegate Clagett.

1 DELEGATE CLAGETT: Mr. Chairman, I get the
2 feeling that we are being whittled on or whittled at by the
3 various proposals that are coming before us now, and I
4 cannot but sort of amusedly observe that with my name
5 up at the top of the second column, that it is easily to be
6 seen when I have to vote against a good friend like Delegate
7 Adkins or one whom I admire as much as I do Delegate Dorsey,
8 and the proposer of the motion or amendment, Delegate Kirk-
9 land. It only prolongs the agony. However, there was
10 one resolution that I made before I came down here. That
11 was to vote my conscience, and to disregard friendships
12 that are being made and friendships that will grow warmer
13 as we go through the various sessions of this chamber.

14 I still feel that where we have a committee that
15 has battled as hard as this committee obviously has
16 and under the leadership of a chairman as able as he is,
17 he is just not going to be whittled. We have got
18 to stand with him. I would like somehow to get to the
19 question of how we can cast a vote for the 105-35 and go
20 home.

21 THE CHAIRMAN: Does any other delegate desire

1 to speak in favor of the amendment?

2 DELEGATE GRANT: Mr. Chairman.

3 THE CHAIRMAN: Delegate Grant.

4 DELEGATE GRANT: A few minutes ago I tried to
5 explain to this Committee the logical reasons why
6 you should have adopted Mr. Gilchrist's proposal of 144.
7 I now rise to give you, since logical reasons didn't
8 take, I want to go to a matter of political expediency.
9 I would like to have a document I can sell my people on.
10 I believe we have all worked very hard. I think this is
11 going to be an excellent Constitution. But my feeling
12 is that I would much rather be associated with a moderate
13 success rather than open failure.

14 In asking that we preserve the status quo,
15 which is not what we want to do, we are asked to compromise
16 between idealism and reality. What it will amount to
17 is not a death to counties. Obviously the small counties
18 will be able to retain a delegate or some kind of repre-
19 sentation which they can call their own until 1980. This
20 was brought out in Mr. Gilchrist's presentation.

21 After 1980, that is 14 years after we hope we

1 can get this Constitution passed, since the census takers
2 are delayed about two years, after 1980 we don't know what
3 the situation will be. But at least it will for 14 years
4 allow this Constitution to work.

5 If at the end of 14 years there is some desire
6 to amend it because the House of Delegates is unworkable
7 in size, it can be done.

8 But unless you give something at this point that
9 those of us who have to carry the load of this Constitution
10 in areas where you are asking the people to disenfranchise
11 themselves, unless you give us something to work with and
12 give us a chance to prove this Constitution is good, you
13 are giving us an almost impossible burden to try to sell to
14 our people.

15 THE CHAIRMAN: Any other delegate desire to
16 speak in opposition to the amendment?

17 Delegate Carson.

18 DELEGATE CARSON: Mr. Chairman, as I understand
19 it, the proponents of this amendment would say that it
20 would permit some time for the small counties to phase
21 out their General Assembly representation. I suggest that

1 in 1970 there will be a reapportionment. I think under
2 this Constitution and what we are talking about, then, is
3 two years' time. It seems to me a high price to pay
4 that we forever enshrine 143, and I suggest the legislature
5 would do just that for the sake of two years. The price
6 is much too high, and I oppose it.

7 THE CHAIRMAN: Any further delegates desire to
8 speak in favor of the amendment?

9 Delegate Vecera.

10 DELEGATE VECERA: Mr. Chairman, Members of the
11 Committee:

12 Delegate Scanlan stated that the New York
13 State Constitutional Convention apparently did not know the
14 reason it went down to defeat. I think we will find one
15 reason the Maryland Constitution may go down to defeat may
16 be this particular issue. I urge you to support this
17 amendment.

18 THE CHAIRMAN: Any other delegate desire to
19 speak in opposition to the amendment?

20 Delegate Ulrich.

21 DELEGATE ULRICH: Mr. Chairman, we in Local

1 Government have worked diligently and long hours to
2 give power to the counties, realizing that a situation
3 such as this would arise after the 1970 census. I urge
4 members of this committee to defeat this amendment. It
5 will not solve the problem of the counties. We have
6 solved it in the Local Government Committee. (Applause.)

7 THE CHAIRMAN: Any other delegate desire to
8 speak in favor of the amendment?

9 Delegate Weidemeyer.

10 DELEGATE WEIDEMEYER: Mr. President and
11 members of the Convention:

12 The matter of local government may be contro-
13 versial, too, before it is all over, so if we are going
14 to follow controversy after controversy, I would wonder
15 who in the State is going to be for this Constitution.

16 I did say before and I say again, we would be
17 making a mistake to at this time cut down by this Constitu-
18 tion the number of men in the legislature.

19 There is another practical aspect some of you
20 have not thought about. Right after we leave here, 142
21 men are coming back into this legislature in this very

1 hall, and 43 across the way, and all of them are powerful
2 influences throughout the State. When you say that by
3 this Constitution to be adopted in May that you 142 members
4 of the legislature have got to go out and sell this Consti-
5 tution to these people, and they know that 62 of their
6 number are going out and they know not who is going, I will
7 venture to say that you will not get 50 percent of them
8 to go out for this Constitution.

9 The same way with the senators across the
10 hall. Both bodies will be in a hopeless state of confu-
11 sion, not knowing what the future holds for the State legis-
12 lature.

13 So I say you are playing with dynamite to cut
14 it down. If you want to defeat the Constitution, this is
15 one of the ways to do it.

16 THE CHAIRMAN: Is there any other delegate who
17 desires to speak in opposition to the amendment?

18 Delegate Hanson.

19 DELEGATE HANSON: Mr. Chairman, I think it
20 might be useful in this debate to inject a historical
21 note about the science by which the numbers 43 and 142

1 were determined.

2 In 1962 when the Circuit Court in Anne Arundel
3 County declared unconstitutional the then composition
4 of the House of Delegates, the Governor called for a
5 special session of the General Assembly, at which time two
6 bills were prepared for introduction.

7 The objective of these was ultimately to keep
8 the size of the General Assembly at 123, which most
9 of the participants agreed was far better than an expanded
10 size. The first bill or, correction, the second bill
11 would have been a Constitutional amendment to achieve
12 that and provide that after 1966 the size would revert
13 to 123. Because the General Assembly only had
14 five days in which to act and this was quite a new
15 problem at the time, having just arrived on the judicial
16 scene, the spirit of compromise was much in the air.

17 It was determined that there would not be very
18 much possibility of getting a bill through the General
19 Assembly if seats were cut as well as added, especially
20 since the primary election for the 123 seats had already
21 been held.

1 So the number 123 was divided into the entire
2 population of the State to determine the number of repre-
3 sentatives in the House that each county should have.
4 Then those seats were all indicated and it meant
5 increasing the size to 142, allocating 19 additional
6 seats. But in order to meet the practical problem of
7 timing, 19 seats were not taken away from the small
8 counties at that time. Thus, the house and senate, 142,
9 the house and senate declined to enact the Constitutional
10 amendment to bring the size of the house back down in
11 1966, and then later when the problem arose as to reappor-
12 tioning within the 142 it was left at that figure in con-
13 venience.

14 As to the senate apportionment, the critical
15 problem I believe there was to find a total number of
16 senators equally divisible by six, because that was the
17 number of legislative districts in the City of Baltimore
18 whose senators would have to vote on the question in order
19 to assure its passage. So that senate districts in the
20 City of Baltimore would not have to be redistricted.

21 This is the kind of science that was applied

1 to this kind of problem.

2 It seems to me incredible that this Constitu-
3 tional Convention would involve in the Constitution of
4 this State this kind of measure. Instead we should look
5 at what we need in the State. This is what the Committee
6 has done. We should look at the kind of General Assembly
7 that can address itself to those needs, and this is what
8 the Committee has done.

9 I urge the Committee of the Whole to defeat
10 this amendment so that we can vote on the proper question,
11 the proper size of 105 in the House and 35 in the Senate.

12 THE CHAIRMAN: Any other delegate desire to
13 speak in favor of the amendment?

14 Delegate Adkins.

15 DELEGATE ADKINS: I wonder if Delegate Hanson
16 would yield to a question?

17 THE CHAIRMAN: Do you yield for a question?

18 DELEGATE HANSON: Yes.

19 DELEGATE ADKINS: You explained in great detail
20 the manner in which the present size of the two bodies
21 was arrived at, the science, as he referred to it.

1 Would he give us a brief explanation of the
2 scientific manner in which the 80 and the 105 was arrived
3 at.

4 DELEGATE HANSON: You mean the 35 and 105.

5 DELEGATE ADKINS: Yes.

6 What is the scientific justification?

7 THE CHAIRMAN: You mean 35 and 105?

8 DELEGATE ADKINS: Yes; as in the Committee
9 report.

10 DELEGATE HANSON: I would be happy to yield to
11 the chief scientist in charge, the Chairman of the Committee.

12 THE CHAIRMAN: Delegate Gallagher, can you
13 respond to the question?

14 DELEGATE GALLAGHER: I don't want to trespass
15 too much on the time of the committee, but I think I
16 explained that the attempt was to get, first of all,
17 a three-to-one ratio, which we felt to be important so
18 that the senate districts and the house districts would
19 be different and distinct on the basis of population.
20 We felt three-to-one was satisfactory.

21 We then approached the question of how large

1 the senate should be. We believe with Edward Clark
2 and Senator James that 20 was too small. We realized
3 it would have to be some number in excess of 29, so that
4 we would eliminate this element of clubbiness, and we de-
5 cided that 35 was probably enough of an addition to 29 to
6 make it a less personal body.

7 I think we have their testimony to that
8 effect, that they believe this is the case.

9 We then applied a multiple of three, and we
10 arrived at a figure of 105. Working from the committee
11 assignments point of view and recognizing that Ways
12 and Means and the Judiciary each carried about a third of
13 the total load, meaning two-thirds of the house carried
14 about 30 or 31 members of the house on each committee,
15 recognizing that there was another 30 per cent
16 of the work load to be done, it appeared we should have
17 probably at least another third over and above the total
18 in the House Judiciary and Ways and Means. We arrived
19 at the figure of 35 and 105 on those multiples, taking the
20 committee workload potentialities into consideration.

21 As I said before, there is no magic about the

1 numbers of 35 and 105, but there certainly is great justifi-
2 cation for it.

3 If someone wanted to argue two or three in
4 any direction I could not say they were wrong. I simply
5 say we felt we were compelled, and I believe rightly so,
6 to address ourselves to the question of the proper number,
7 and we believe that we have in this house at this
8 moment a majority of the members who will agree to vote
9 for 35 and 105. That is the science, call it what
10 you will, by which we arrived at the figures.

11 THE CHAIRMAN: Any other delegate desire to
12 speak in favor of the amendment?

13 Delegate Grant.
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1 DELEGATE GRANT: I would like to ask --

2 THE CHAIRMAN: You have been recognized; let me
3 see if anybody else desires to speak.

4 DELEGATE GRANT: I wish to address a question to
5 Delegate Hanson.

6 THE CHAIRMAN: Delegate Hanson, will you yield
7 for a question?

8 DELEGATE HANSON: Yes, sir, I yield for a
9 question.

10 DELEGATE GRANT: Delegate Hanson, you described
11 in detail how they arrived at figures in Maryland legis-
12 lature. However, yesterday, you were urging on us uni-
13 cameralism and it was described in detail how the State of
14 Nebraska arrived at unicameralism. In both cases perhaps
15 the means were disreputable, but do you consider that
16 necessarily makes the end disreputable?

17 DELEGATE HANSON: I have not yet fully considered
18 Nebraska history as accurate as the Maryland history
19 which I just represented. I think there were some other fac-
20 tors that were involved.

21 Now that the unicameral question has been re-

1 solved by this House, by this Committee, however, I think
2 the question now before us is the proper composition of
3 the Maryland General Assembly. To my mind, if we cannot
4 have unicameralism the report of the Committee is by far
5 the best alternative which has been presented to this body.

6 THE CHAIRMAN: Any other delegate desire to speak
7 in favor of the amendment? Delegate Rybczynski.

8 DELEGATE RYBCZYNSKI: Mr. Chairman, let us not
9 be so distrustful of legislative bodies. Yesterday, the
10 City of Baltimore elected eighteen members to a City
11 Council. Four years ago we elected twenty members to the
12 same City Council. It was through an ordinance submitted
13 to the City of Baltimore which enabled the City to
14 reduce its size Council, reduce the size from twenty to
15 eighteen. This was done by the body itself plus the
16 voters of the City of Baltimore. I don't know we have to
17 distrust them to the point where we are afraid of what
18 they might do with the future.

19 THE CHAIRMAN: Any other delegate desire to
20 speak against the amendment? Delegate Koss.

21 DELEGATE KOSS: Mr. Chairman, I rise to speak

1 in opposition to the amendment. Much has been said here
2 about the impact of our action here today in terms of rati-
3 fication of the Constitution. As I look upon this amend-
4 ment, I think it freezes into the Constitution the status
5 quo. If that is so, it makes a mockery of our
6 whole effort here, and we need not worry about ratifica-
7 tion of the people because in fact they will have the same
8 document we come out with if they do not ratify our words.
9 Thank you.

10 THE CHAIRMAN: Any other delegate desire to
11 speak in favor of the amendment? Delegate Gilchrist.

12 DELEGATE GILCHRIST: Mr. President, Mr. Chair-
13 man, I simply desire to make one observation. I just took
14 a look at the vote on the roll call on Amendment 5. I
15 find that of the people who have expressed concern for
16 small counties, their votes scarcely reflect that concern.
17 Seven of the Senate votes which were cast against the
18 amendment came from four counties and Baltimore City. I
19 suspect that this may be a reflection of attitudes which
20 we really should not have. I wonder whether there is not
21 some method of solving the dilemma which will permit this

1 Constitution to go forward with a little more unanimous
2 support than it is apparently going to produce.

3 THE CHAIRMAN: Any other delegate desire to
4 speak in opposition to the amendment? Any other delegate
5 desire to speak in opposition to the amendment? Delegate
6 Malkus.

7 DELEGATE MALKUS: Mr. President, I just want to
8 speak. I don't know whether I am for or against.

9 THE CHAIRMAN: I have to first give the oppor-
10 tunity to a delegate wishing to speak in opposition to the
11 amendment.

12 DELEGATE MALKUS: I ask for the
13 opportunity to ask a question of some concern to me before
14 we dispose of the alternates.

15 THE CHAIRMAN: Any other delegate desire to speak
16 in opposition to the amendment? Any other delegate desire
17 to speak in favor of the amendment? Delegate Kahl.

18 DELEGATE KAHL: Mr. President, fellow members
19 of the Convention, I just want to tell you that I heard too
20 many delegates say they have come here to vote their own
21 conscience. I would also like to remind you that we were

1 elected by the people of the State of Maryland to repre-
2 sent them. I don't think we should think about our own
3 self interest. I think we should be down here represent-
4 ing the entire State of Maryland, and that includes the
5 rural areas. I would like to vote for the amendment.

6 THE CHAIRMAN: Any other delegate desire to
7 speak in opposition to the amendment? Any other delegate
8 desire to speak in favor of the amendment? Delegate Kirk-
9 land.

10 DELEGATE KIRKLAND: Mr. President, I would
11 like to once again remind this body that Delegate Gallagher
12 said there were no magic to the figures of one hundred
13 five and thirty-five. He also said perhaps other numbers
14 could be suggested and might be better. I would suggest
15 that one hundred forty-two and forty-three is that figure.

16 THE CHAIRMAN: The question now arises on
17 adoption of Amendment No. 6. Does Delegate Malkus' question
18 pertain to this amendment?

19 DELEGATE MALKUS: Mr. President, I think my
20 question is germane to the entire subject matter.

21 THE CHAIRMAN: State the question.

1 DELEGATE MALKUS: If we adopt this amendment,
2 the one hundred five and thirty-five, will it not be in
3 effect for the next election?

4 THE CHAIRMAN: I can't answer that question
5 because it depends upon the schedule of transitional
6 provisions and the effective dates which this Convention
7 puts in the Constitution.

8 DELEGATE MALKUS: You have stated then, sir,
9 that whatever we do could be delayed for any period of
10 time?

11 THE CHAIRMAN: I would assume but do not know
12 that this Convention would adopt in the schedule of
13 transitional provisions a provision that would provide that
14 all persons presently holding elected offices would re-
15 tain the offices until the end of their elected terms.

16 DELEGATE MALKUS: Talking about the 1970
17 election.

18 THE CHAIRMAN: My answer to you is that this
19 Convention may provide that this section would be applicable
20 to that election. I do not know whether it will.

21 DELEGATE MALKUS: Has the leadership of this

1 Convention taken into consideration the possibility of
2 asking the Federal Government to have an earlier census
3 so we will not have to fight this thing out twice in two or
4 three years? I understand, this is secondhand, I under-
5 stand it is possible for the Federal Government to have an
6 early census. If I am right or wrong, I do not know.

7 THE CHAIRMAN: The answer to your question, I
8 believe, was given by Delegate Gallagher in his presenta-
9 tion of the Committee Report. I think he said the matter
10 had been considered and was still under consideration by
11 his Committee; is that correct?

12 DELEGATE GALLAGHER: That is correct. The
13 cost is 25 cents per person. We know there is a million
14 dollars involved. We are looking for other ways to make
15 the decision of the Constitution applicable to 1970. If
16 we want to find that way, it may well be that the 35-105
17 figure will be applied to the 1967 census figure which
18 Judge Henderson suggested it could be or may await 1974.
19 That is something that the Committee has yet to work out
20 because of the problems involved in determining when the
21 information will be available or what other information

1 will be satisfactory to act upon.

2 THE CHAIRMAN: Delegate Malkus, do you have a
3 further question?

4 DELEGATE MALKUS: No, Mr. President, but the
5 cost will end up being the same because just as soon as we
6 are elected under the old census figures, Delegate Scanlan
7 and Delegate Hanson will be back again in court under the
8 fair representation committee or whatever that honorable
9 body is known as, and the courts are going to say, You are
10 going to have to reapportion, we will have to come back
11 to the job all over again. I am looking forward to the
12 future.

13 THE CHAIRMAN: The question arises on the
14 a doption of Amendment No. 6. Delegate Case?

15 DELEGATE CASE: Mr. Chairman, I should like
16 to ask two questions. I am not quite sure to whom they
17 should be directed, but I assume Delegate Gallagher. Is
18 this permissible.

19 THE CHAIRMAN: Proceed.

20 DELEGATE CASE: Delegate Gallagher, it has been
21 suggested in debate that if we adopt numbers one hundred

1 forty-two and forty-three, this will be an inflexible
2 figure. I question, is it more inflexible than the one
3 hundred five-thirty-five? Put differently, are we talking
4 numbers in view of the fact we spent all day and had gotten
5 through Lines 4, Page 2 of your Report?

6 DELEGATE GALLAGHER: I would say this. Any set
7 of numbers is a number that you are either going to be
8 happy with or unhappy with. The question is, can we justify
9 the numbers that we do adopt? I see very little justifica-
10 tion in adopting one hundred forty-two and forty-three
11 because that certainly represents the result of pragmatic
12 paper work attempts to fall under the constitutional mandate
13 of one man-one vote, and at the same time not reduce the
14 size of the General Assembly. That was the entire rationale,
15 to lose nobody but to add enough to be constitutional.
16 That was hardly an approach that contemplated what is the
17 best thing for the General Assembly of Maryland insofar
18 as its ability to both represent the people is concerned
19 and to do the job that the legislators are elected to do.

20 I feel that one hundred five and thirty-five
21 figure is one that has been hammered out, admittedly by

1 compromise, but is a defensible position. I think it would
2 cast little credit upon this body of one hundred forty-
3 two people who came down here to write constitutional law
4 for the long trip, so to speak, to say that what a legis-
5 lature grabbed in the interest of perpetuating itself at the
6 last moment to get under an election wire ought to be the
7 kind of thing that you enshrine and sanctify and canonize
8 in the Constitution. I think there is a basic difference
9 between the way you approach these two sets of figures. The
10 fact we have only gotten this far speaks well of this
11 Convention, not ill, because I hate to think we would make
12 these major decisions in the interest of just getting the
13 job out of the way.

14 THE CHAIRMAN: Delegate Case, do you have
15 another question?

16 DELEGATE CASE: Mr. Chairman, I suggest what has
17 just happened proves the age old adage, you should never
18 ask an expert a question because he will make a speech.

19 The question was whether or not there is
20 anything more inflexible as has been suggested in the num-
21 bers one hundred forty-two and forty-three and one hundred

1 five-thirty-five per se.

2 DELEGATE GALLAGHER: I think that those double
3 sets of numbers will always form a part of the numbers from
4 one to one thousand. ^{they are} So /neither more nor less inflexible.

5 THE CHAIRMAN: Do you have a further question,
6 Delegate Case?

7 DELEGATE CASE: So that the argument advanced
8 by Delegate Scanlan is inappropriate in this regard.

9 The second question is this. You have detailed
10 with some degree of force and less degree of light just
11 how the compromise figure of one hundred five and thirty-
12 five was arrived at. As I understand it, it was all
13 oriented to the efficiency of the two bodies.

14 Did you or your Committee at any time in
15 arriving at these figures take into consideration the impact
16 upon the political subdivisions from which the delegates
17 would come? In other words, did you consider the effect
18 on the people of the State as distinguished from the two
19 bodies which you were seeking to construct?

20 THE CHAIRMAN: Delegate Gallagher.

21 DELEGATE GALLAGHER: At all times, Delegate

1 Case, we were aware of the fact that we had a double duty.
2 We had a duty to the people of Maryland, and we had a
3 duty to them not only on a representational basis, but to
4 provide them with an effective General Assembly.

5 We regretted the loss of the identity of
6 the counties as a unit of representation in the General
7 Assembly. We were aware that the Local Government Com-
8 mittee was at work to see to it that as much self-govern-
9 ment as possible would take place back in the county. We
10 were further aware that under the one man-one vote rule
11 every citizen of this State regardless of whether he lived
12 in Garrett, Worcester, Baltimore City or Prince Georges
13 or Montgomery County, would have the same total impact
14 with his vote when he voted for a member of the General
15 Assembly as anyone else throughout the State of Maryland.

16 We tried to balance representational government with
17 effective government. This represents our best efforts.
18 We have come before you in the spirit of compromise within
19 the Committee because it is the only way we know to get
20 the job done and to get the proposition on the Floor for the
21 full consideration of this Committee of the Whole.

1 We have done our best. We believe that the
2 numbers while not having the force of eternal verity, at
3 the same time certainly represent the best we can see over
4 the long pull.

5 THE CHAIRMAN: The question arises on the adop-
6 tion of Amendement No. 6. A vote Aye is a vote in favor
7 of the adoption of Amendment No. 6. A vote No is a vote
8 against. Roll call vote. Cast your vote.

9 (Whereupon, a roll call vote was taken.)

10 Have all delegates voted? Does any delegate
11 desire to change his vote? The Clerk will record the
12 vote. There being fifty-eight votes in the affirmative,
13 seventy-eight in the negative, the motion is lost and the
14 amendment fails. For what purpose does Delegate Chabot rise?

15 DELEGATE CHABOT: If I am recognized, I rise
16 to offer, Amendment CD.

17 THE CHAIRMAN: What amendment is that?

18 DELEGATE CHABOT: I have beendirected to desig-
19 nate as CD -- shall I read the amendment?

20 THE CHAIRMAN: No. Just a second. The Clerk
21 will read the amendment.

1 Amendment No. 7. Please strike out on the
2 amendment the printed language, "to amend number".

3 MR. QUILLEN: Amendment No. 7 to Committee
4 Recommendation No. LB-1 by Delegate Chabot. On Page 1
5 in Section 3.04 Composition of the Legislature, Line 24,
6 strike out the words "one hundred five" and insert in lieu
7 thereof the words "one hundred twenty-three".

8 THE CHAIRMAN: Is there a second to the
9 amendment?

10 (Whereupon, the motion was seconded.)

11 Delegate Clarke seconded. The Chair recognizes
12 Delegate Chabot to speak to the amendment.

13 DELEGATE CHABOT: This amendment would permit
14 the House of Delegates to have one hundred twenty-three
15 members and the Senate to have forty-one members. I could
16 say that this was derived so that the House could have four
17 effective committees. I could say that one hundred
18 twenty-three is somehow a magic number because for some
19 number of years prior to 1962, it was a magic number.

20 But quite frankly and obviously this amendment
21 is moved because it is hoped that we can arrive with some

1 substantial majority support at a position. These figures
2 are no more magic than the present figures. They are
3 no more magic than the one hundred five-thirty-five
4 figures. Nevertheless, they fit in with the basic plan
5 of Committee Recommendation LB-1 with which I agree. They
6 do no violence to any of the other parts of LB-1. And
7 so that we may complete the discussion on this particular
8 point, hopefully with some substantial majority, I urge
9 this amendment to be adopted.

10 THE CHAIRMAN: Any delegate desire to speak in
11 opposition to the amendment? Delegate Gallagher.

12 DELEGATE GALLAGHER: Mr. Chairman and
13 ladies and gentlemen of the Committee, this particular
14 amendment does have the virtue of preserving the 3 to 1
15 ratio of one hundred twenty-three delegates, forty-one
16 Senators.

17 I would say in opposition that I served in this
18 General Assembly when the House was one hundred twenty-
19 three, the same observations I made before I will make about
20 this. That is, simply, that if you are not on the Ways and
21 Means Committee or not on the Judiciary Committee and

1 that situation covered approximately half of the House,
2 your full potential was certainly not employed and those
3 not fortunate enough certainly felt they were not effective
4 delegates, and they were not representational delegates.
5 For this reason and for all the other reasons, I have sum-
6 moned from time to time today in opposing the various
7 amendments which I incorporate now by reference into my
8 remarks, I would oppose this amendment.

9 THE CHAIRMAN: Any other delegate desire to
10 speak in favor of the amendment? Delegate Clarke.

11 DELEGATE CLARKE: Mr. Chairman, ladies and
12 gentlemen of the Committee, I rise in favor of this amend-
13 ent. It increases from one hundred five which is the
14 Committee Report to one hundred twenty-three, the member-
15 ship in the House. This is a mere increase of eighteen.
16 I do not agree with Delegate Gallagher that if you are
17 not a member of the Ways and Means or the Judiciary Com-
18 mittee of the House of Delegates, that you are a minor
19 member. There are several members in this body today who
20 were members of minor committees or who are chairmen of
21 minor committees, and I am sure they will testify that they

1 don't sit around twiddling their thumbs all day thinking.
2 They work hard and work very hard.

3 We have nine committees in the House, two major
4 committees are the Ways and Means and Judiciary. We also
5 have Motor Vehicles, Alcoholic Beverages, Labor and
6 Management, Metropolitan Affairs, Banking and Insurance,
7 and two or three others I can't recall at the time. But
8 everyone else who works on these so-called minor committees
9 does a very good job and works very hard.

1 I sometimes wondered during today's debate
2 where I spent January and February and March, whether in
3 Annapolis or in some sort of trip where I really wasn't
4 here.

5 Nevertheless, I think this is reasonable. It
6 reduces the senate only by two members, gives them 41, and
7 it gives the house 123. I think, and I know that
8 this is workable in both bodies, and I will not continue
9 this debate in the interest of time, but I urge the passage
10 of this amendment.

11 THE CHAIRMAN: Any other delegate desire to
12 speak in opposition to the amendment?

13 Delegate Beatrice Miller.

14 DELEGATE B. MILLER: Mr. President, I would
15 give you that we are getting closer to the goal, the
16 numbers are coming down, and we are proceeding to do here
17 on the floor precisely what we did in Committee.
18 Those of us who came up to 105-35 and those of us who
19 came down to 105-35 knew we were arriving at a figure
20 where there had been some reason and some question, there
21 had been sound reason and testimony in its favor.

1 If 123 was satisfactory merely because it is a
2 compromise, I would suggest you compromise all the way
3 down to where the committee came after several weeks of
4 study and after serious consideration of the problem. The
5 testimony of most of the legislators who spoke before
6 our committee, the testimony of most of the witnesses was
7 that 100 was a good number for the size of the House.

8 As I said, before the testimony of experts in
9 our committee, I might add this was not a nice word to use,
10 because some people objected, the testimony of the studies
11 made by any number of good government people, all came
12 to the fact that 100 was about the largest you could
13 have a house if it was to work efficiently.

14 I don't think this is a numbers game we should
15 be playing, and I don't think this is a matter on which
16 we should compromise merely for the sake of expediency.
17 I repeat once again that I think the problems that will face
18 Maryland in the future are too great for us to play a
19 numbers game in terms of someone keeping their house seat
20 or not keeping their house seat. If there is any kind of
21 a numbers game we should be playing, it is in terms of

1 the most efficient number we can arrive at for producing
2 the kind of government Maryland needs. I beg you to
3 stay, those of you who have already concluded that 105
4 and 35 is a workable number, to stay with that amount, and
5 let us wear down the opposition to the point where we know
6 what we are doing has merit.

7 THE CHAIRMAN: Any other delegate desire to
8 speak in favor of the amendment?

9 Delegate Clarke.

10 DELEGATE CLARKE: I want to correct my last
11 statement. I said 141 and 41. I meant to say 123 in the
12 house and 41 in the Senate.

13 THE CHAIRMAN: Does any other delegate desire
14 to speak in favor of the amendment?

15 Does any other delegate desire to speak in
16 opposition to the amendment?

17 Delegate Mitchell.

18 DELEGATE MITCHELL: Mr. President and delegates,
19 I have been very much concerned with the principle of
20 which Delegate Pullen spoke, that is, keeping government
21 close to the people.

1 I have always felt that this is a government
2 of the people, by the people, and for the people, and in
3 our zeal for efficiency we can become so streamlined
4 that we lose the vitality that comes from participation
5 of elected officials in government.

6 After I have studied the figures which I think
7 the committee studied of our neighboring States and
8 the various States in like circumstances to Maryland, I
9 have become convinced of the appropriateness of the
10 Committee's recommendation. New York, with a popu-
11 lation of nearly 17 million people, has only a total
12 representation in both house and senate of 208 persons.
13 California, with 15, nearly 16 million people, has a
14 total representation of 120. Ohio, with nearly 10 million
15 citizens has a total representation of 132. Our neighbor-
16 ing State of New Jersey, with 6 million, has only 120
17 elected representatives in both bodies..

18 When we look at those States which have a
19 total population nearer Maryland, 3 million or thereabouts,
20 we find that Kentucky, with 3 million, has a total
21 representation of 138; Minnesota, with 3,400,000, or

1 rather, Minnesota, of course, has a larger representation
2 of 202. Georgia, with 4 million, has a large represen-
3 tation; but Louisiana and Alabama and Kentucky are all
4 scaled down from 144 to 138.

5 I would respectfully suggest to the delegates that
6 the experience of the other States seems to sustain the
7 position of the Committee recommendation. While I am for
8 keeping the vitality of the government through the maximum
9 participation of the people in elected officials, neverthe-
10 less I think in the interest of doing the kind of job that
11 we want to do in Maryland we ought to support the Committee's
12 recommendation.

13 THE CHAIRMAN: I take it you are in opposition
14 to the amendment?

15 DELEGATE MITCHELL: Yes. I spoke in opposi-
16 tion to the amendment.

17 THE CHAIRMAN: In view of that fact, I will
18 ask if any other delegate desires to speak in favor of the
19 amendment.

20 Delegate Grant.

21 DELEGATE GRANT: I would like to point out one

1 thing. We have had a great deal of comment about the
2 Committee compromise. I attribute to them all good faith.
3 However, I would point out on this Committee of 19
4 people 13 of them came from urban areas, only six from
5 non-urban areas, and as such they may not have been exposed
6 to quite the extent of viewpoint that other members of this
7 Committee of the Whole have been.

8 I think this factor should be borne in mind to a
9 certain extent in considering the compromise the Committee
10 arrived at.

11 THE PRESIDENT: Any other delegates desire to
12 speak in opposition? Any other delegates desire to
13 speak in favor? If not, the question arises on the adoption
14 of Amendment No. 7. A vote Aye is a vote in favor of
15 Amendment No. 7; a vote No is a vote against Amendment
16 No. 7. Cast your vote.

17 Has every delegate voted? Does any delegate
18 desire to change his vote?

19 The Clerk will record the vote. There being
20 65 votes in the affirmative and 68 in the negative, the
21 motion is lost and the amendment fails.

1 Is there any other amendment to be offered to
2 section 3.04?

3 Delegate Malkus, do you have an amendment?

4 DELEGATE MALKUS: Mr. Chairman, I would like
5 to ask if the Chair will yield to a question?

6 THE CHAIRMAN: State your question.

7 DELEGATE MALKUS: Talking about efficiency,
8 when did we reach as far as time is concerned the point
9 of diminishing returns? The hour is growing late. Some
10 of us are a long way from home.

11 THE CHAIRMAN: The Chair would hope to adjourn
12 as soon as we finish section 3.04. If there are no further
13 amendments we are at that point now.

14 Delegate Clark.

15 DELEGATE CLARK: Mr. Chairman, I have an
16 amendment here, it is rather a complicated amendment,
17 but I think this is the time it should be offered. It is
18 probably going to take a good while to do it.

19 THE CHAIRMAN: Section 3.04?

20 MR. CLARK: Yes, sir.

21 THE CHAIRMAN: In view of that fact, the Chair

1 recognizes Delegate Powers. (Laughter.)

2 DELEGATE POWERS: Mr. Chairman, I move the
3 Committee of the Whole rise and report that it has not
4 concluded its consideration of Committee Recommendation
5 No. LB-1.

6 THE CHAIRMAN: Is there a second?

7 (Whereupon, the motion was seconded.)

8 THE CHAIRMAN: All in favor signify by saying Aye;
9 contrary, no. The Ayes have it. The motion is carried.

10 (The mace was replaced by the Sergeant at
11 Arms.)

12 (Whereupon, at 6:10 the Committee of the Whole
13 rose, and the Convention reconvened.)

14 THE PRESIDENT: The Convention will come to
15 order.

16 On behalf of the Committee of the Whole I wish
17 to report the Committee of the Whole has had under
18 consideration Committee Recommendation No. LB-1, and it
19 is still under consideration when the Committee desires to
20 sit again.

21 The Chair recognizes Delegate Powers.

1 Before recognizing Delegate Powers, is any
2 Delegate present now, absent at roll call, who desires to
3 indicate his presence?

4 Delegate Frank Robey.

5 DELEGATE ROBEY: I would like to record my
6 presence.

7 THE PRESIDENT: Delegate Sickles.

8 DELEGATE SICKLES: I would like to record my
9 presence.

10 THE PRESIDENT: Delegate Koger.

11 DELEGATE KOGER: I would like to record my
12 presence.

13 THE PRESIDENT: Delegate Mason.

14 DELEGATE MASON: I would like to record my
15 presence.

16 THE PRESIDENT: Delegate Malkus.

17 DELEGATE MALKUS: I would like to record my
18 presence, not only today, but also yesterday, Mr. Presi-
19 dent. (Laughter.)

20 THE PRESIDENT: Any other delegate desire to
21 note his presence?

1 Delegate Boyles.

2 DELEGATE BOYLES: Delegate Boyles would like to
3 record his presence.

4 THE PRESIDENT: Any other delegate desire to
5 note his presence?

6 Delegate Moser.

7 DELEGATE MOSER: I would like to record my
8 presence.

9 THE PRESIDENT: Any other delegate?

10 Delegate Macdonald.

11 DELEGATE MACDONALD: I would like to record
12 my presence.

13 THE PRESIDENT: Any other delegate?

14 The Chair recognizes Delegate Powers.

15 Sorry -- Delegate Storm.

16 DELEGATE STORM: I would like to have my
17 presence recorded.

18 THE PRESIDENT: Delegate Stern.

19 DELEGATE STERN: I would like to record my
20 presence.

21 THE PRESIDENT: Any other delegates?

1 The Chair recognizes Delegate Powers.

2 DELEGATE POWERS: I move to adjourn to ten
3 o'clock tomorrow.

4 (Whereupon, the motion was duly seconded.)

5 THE PRESIDENT: All in favor, signify by saying
6 Aye, contrary, No. The Ayes have it. So ordered.

7 (Whereupon, at 6:12 p.m., the Convention was
8 adjourned, to reconvene at 10:00 a.m., Thursday, November
9 9, 1967.)

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